

19 April 1839.—2 VICT.



(Ireland.)

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[AS AMENDED BY THE COMMITTEE]

For the Regulation of Municipal Corporations
in Ireland.[N. B.—The Clauses marked (A.) to (L.) were added by the
Committee.]

WH **H**EREBY divers Bodies Corporate at sundry times have been constituted within the Cities, Towns, Counties of Cities, Counties of Towns, and Boroughs of Ireland, to the intent that the same might for ever be and remain well regulated and quietly governed; and it is expedient that the Charters by which several of the said Bodies Corporate are constituted should be altered in the manner hereinafter mentioned; **W**H **H**erefore **C**hartered, by The **Q**UEEN's most Excellent **M**AJESTY, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, **T**HAT so much of all Laws, Statutes and usages, and so much of all Royal and other Charters, Grants and Letters Patent, rules, orders and directions now in force relating to the several Boroughs named in the Schedules (A.) and (B.) to this Act annexed, or to the inhabitants thereof, or to the several Bodies or reputed or late Bodies Corporate named in the said Schedules, or any of them, as is inconsistent with or contrary to the provisions of this Act, shall be repealed and annulled, from the time when this Act shall come into operation in each of such Boroughs respectively.

Provision.

1.
Repeal of all Acts, Charters and Customs inconsistent with this Act.

And be it Enacted, That every person who now is or hereafter may be an inhabitant of any Borough named in either of the said Schedules (A.) and (B.), and also every person who is or who might hereafter have become a Freeman or Burgess of any such Borough, if this Act had not been passed, otherwise than by gift or purchase, or who now is or hereafter may be the wife, or widow, or son, or daughter of any Freeman or Burgess, or of any person who shall

2.
Reservation of all Rights of Property and hereditary Exemptions to Freeman, their Wives and Children.

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shall

shall have been entitled to become a Freeman or Burgess of any such Borough as aforesaid, or who may have espoused or may hereafter espouse the daughter or widow of any such Freeman or Burgess, or of any such person as last aforesaid, or who has been or may hereafter be bound an apprentice to any such Freeman or Burgess or any such person as last aforesaid, shall have and enjoy and be entitled to acquire and enjoy the same share and benefit of the lands, tenements and hereditaments, and of the rents and profits thereof, and of the common lands and public stock of any such Borough or Body Corporate, and of any lands, tenements and hereditaments, and any sum or sums of money, chattels, securities for money, or other personal estate of which any person or any Body Corporate may be seized or possessed, in whole or in part, for any charitable uses or trusts, as fully and effectually, and for such time and in such manner as he or she, by any statute, charter, bye-law or custom in force at the time of passing this Act, might or could have had, acquired or enjoyed the same in case this Act had not been passed: Provided always, That the total amount to be divided amongst the persons whose rights are herein reserved in this behalf shall not exceed the surplus which shall remain after payment of the interest of all lawful debts chargeable upon the real or personal estate out of which the sums so to be divided have arisen, together with the salaries of Municipal Officers and all other lawful expenses which on the Fifth day of June One thousand eight hundred and Thirty-five were defrayed out of or chargeable upon the same: Provided also, That nothing hereinbefore contained shall be construed to apply to any claim, right or title of any Burgesses or Freemen, or of any person, to any discharge or exemption from any tolls or dues levied wholly or in part by or to the use or benefit of any Borough or Body Corporate.

3.
None to be
exempted
from Tolls but
those who
were so on
5th June 1835.

And be it Enacted, That after the passing of this Act no person shall have or be entitled to claim thenceforward any discharge or exemption from any tolls or dues lawfully levied, in whole or in part, by or to the use of any Body Corporate, except as hereinafter is excepted: Provided nevertheless, That every person who on the said Fifth day of June One thousand eight hundred and Thirty-five was an inhabitant, or was, or was entitled to be a Freeman or Burgess of any such Borough, or who on the said Fifth day of June was the wife or widow, son or daughter of any Freeman or Burgess of any Borough, or who on the said Fifth day of June was bound an apprentice, shall be entitled to have or acquire and enjoy the same discharge or exemption from any tolls or dues lawfully levied, in whole or in part, by or to the use of any Borough or Body Corporate, as fully and for such time and in such sort as he or she by any statute, charter, bye-law, or custom in force on the said Fifth day of June might or would have had, acquired, and enjoyed the same if this Act had not been passed, and no further or otherwise.

And

And be it Enacted, That nothing in this Act contained shall be construed to entitle any person to any share or benefit of the rights herein reserved who shall not have first fulfilled every condition which if this Act had not passed would have been a condition precedent to his or her being entitled to the benefit of such rights, so far as the same is capable of being fulfilled, according to the provisions of this Act, or to strengthen, confirm or affect any claim, right or title of any Burgesses or Freemen of any Borough or Body Corporate, or of any person, to the benefit of any such rights as are hereinbefore reserved, but the same in every case may be brought in question, impeached and set aside in like manner as if this Act had not been passed, and where by any statute, charter, bye-law or custom in force within any borough at the time of passing this Act any person whose rights in this behalf are hereinbefore reserved would have been liable, in case this Act had not been passed, to pay any fine, fee or sum of money to any Body Corporate, or to any member, officer or servant of any Body Corporate, in consideration of his freedom, or of his or her title to such rights as are herein reserved, no such person shall be entitled to have, or claim any share or benefit in respect of the rights herein reserved as aforesaid until he or she shall have paid the full amount of such fine, fee or sum of money in manner following; (that is to say) if such rights be within any Borough named in the said Schedule (A.), or in any Borough named in the said Schedule (B.) to which a Charter of Incorporation shall have been granted as hereinafter mentioned to the Treasurer of such Borough appointed under the provisions of this Act, on account of the Borough Fund hereinafter mentioned; but if such rights be within any Borough named in the said Schedule (B.) to which no such Charter of Incorporation shall have been granted, then to such person as the Commissioners hereinafter mentioned shall appoint to receive the same, to be applied to the public benefit of the inhabitants thereof.

And be it Enacted, That after the passing of this Act no person shall be elected, made or admitted a Burgess or Freeman of any Borough by gift or purchase.

AND whereas the right of voting in the election of Members to serve in Parliament was by an Act passed in the Session of Parliament holden in the second and third years of the reign of his late Majesty, intituled, "An Act to amend the Representation of the People of Ireland," preserved to all Freemen, Freeholders and persons who by reason of any Corporate or other right were then by law entitled to vote at the election of a Member or Members to serve in Parliament for any City, Town or Borough, and all persons who, by reason of birth, marriage or service, or of any statute then in force, should be at any time thereafter admitted to their Freedom in any City, Town or Borough, subject to the conditions and provisions

4.
Conditions of admission to be fulfilled as hereinafter.

5.
No person to be admitted a Freeman by Gift or Purchase.

6.
Persons who before the passing of the Act were entitled to vote as Members of Parliament may still enjoy that right.

in that Act contained; BE it Enacted, That nothing herein contained shall prejudice, confirm, affect or alter, the right of voting of any such person now registered, and that every person, who, if this Act had not been passed, would have been entitled to enjoy as a Freeman, or might hereafter have been entitled to acquire in respect of birth, marriage, service, or of any statute now in force, as a Freeman, the right of voting in the election of a Member or Members to serve in Parliament for any Borough, shall be entitled to acquire and enjoy such right of voting as fully as if this Act had not been passed: Provided always, That no person shall be so entitled as a Freeman unless his right be originally derived from or through some person who was a Freeman or entitled to be admitted a Freeman previously to the Thirtieth day of March One thousand eight hundred and Thirty-one, nor unless in respect of some right to freedom which lawfully prevailed and was capable of being enforced by some class of persons, or by some individual by reason of belonging to such class, in such City, Town or Borough on that day.

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Town Clerk
to make a
Freemen's
Roll.

And be it Enacted, That the Town Clerk of every Borough shall, on or before the First day of December next after this Act shall come into operation in that Borough, make out a List, to be called "The Freeman's Roll," of all persons who shall have been admitted as Freeman of such Borough; and that whenever any person who shall be or thereafter become entitled to be admitted a Freeman, for the purposes aforesaid, of such Borough, in respect of birth, servitude or marriage, or any statute now in force, and who, but for the passing of this Act, would have been entitled to enforce such claim at law as of right, shall claim to be admitted accordingly, the Mayor in any Borough named in Schedule (A) to this Act annexed, or in any Borough named in Schedule (B.) to this Act annexed, to which a Charter of Incorporation shall have been granted, as hereinafter mentioned, or in any Borough named in the said Schedule (B.), to which no such Charter of Incorporation shall have been granted, the Commissioners of every such Borough or Town, in which Commissioners shall be appointed to manage the Corporate Revenues by virtue of the provisions hereinafter contained, shall, within Seven Days after the making thereof, examine into such claim, and upon such claim being established, every such person shall thereupon be admitted and enrolled by the Town Clerk of such Borough or Town upon the said Freeman's Roll; and the Town Clerk shall keep a true Copy of such Roll, to be perused by any person, without payment of any fee, at all reasonable times, and shall deliver a copy thereof or extract therefrom to any person requiring the same, on payment of a reasonable price for such copy or extract, not exceeding the sum of Three-pence for every hundred names, and so in proportion for any lesser number: Provided always, That

That the right of every person enrolled on the Freemen's Roll to be registered for or to vote at the election of a Member or Members to serve in Parliament may be questioned in like manner as if this Act had not been made, and shall not be confirmed or in any manner affected by such enrolment.

And be it Enacted, That in any Borough in which there shall be no Town Clerk, or in which the Town Clerk shall be incapable of acting, all matters by this Act required to be done by or with regard to the Town Clerk not hereinbefore otherwise provided for, shall be done by and with regard to the person executing duties in such Borough similar to those of Town Clerk; and if there be no such person, or if such person be incapable of acting, then by and with regard to such fit person as the Mayor of such Borough shall appoint in that behalf; and if there shall be no Mayor, the Lord Lieutenant shall appoint, by writing under his hand, a proper person to perform such duties required to be done by and with regard to the Town Clerk under this Act; and in extra-parochial places, and in Parishes where there is no Churchwarden, or where the Churchwarden may be absent or incapable of acting, the Lord Lieutenant shall appoint, by writing under his hand, a proper person to perform the duty of Churchwarden under this Act, and the acts of such person shall be as valid as if done by a Churchwarden.

8.
Extra-parochial Places,
&c.

And be it Enacted, That after the first election of Councillors under this Act in any Borough named in the said Schedule (A.) the Body or reputed Body Corporate named in the said Schedule in connexion with such Borough, shall take and bear the name of the Mayor, Aldermen and Burgesses of such Borough, except the Corporation of Dublin, which shall bear the name of the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin, and by those names shall have perpetual succession, and shall be capable in law, by the Council hereinafter mentioned of such Borough, to do and suffer all acts which such Bodies Corporate lawfully may do and suffer, and shall be entitled to, invested with and possessed of all the lawful rights, trusts, powers, authorities, properties and estates now or of late legally vested in or belonging or which of right ought to belong to such Boroughs or Bodies Corporate respectively, solely or jointly with any other person or Body Corporate, save only those subject to any charitable uses or trusts, in respect of which other provisions are hereinafter contained; and the Mayor of each of the said Boroughs shall be capable in law to do and suffer all acts which the chief officer of such Borough might or may lawfully do and suffer, so far as such powers, rights, trusts and privileges respectively are not altered or annulled by the provisions of this Act.

9.
Corporations
to be styled
Mayor, Alder-
men and
Burgesses.

And be it Enacted, That every Borough in the said Schedule (A.) shall be divided into the number of Wards mentioned in such Schedule in conjunction with the name of such Borough, and that the boundaries of the several Boroughs named in the said Schedule (A.) and of the Wards into which the said Boroughs named in the said Schedule (A.) are to be divided, shall, for the purposes of this Act, be taken to be according to the description of such boundaries set forth in Schedule (C.) to this Act annexed, and all the houses, lands and hereditaments within the boundaries therein specified shall hereafter for the purposes of this Act be parts of the said Boroughs, and in the construction of the several descriptions of boundaries set forth in the said Schedule (C.), the following rules shall be observed :

- 1.—The words "Northward," "Southward," "Eastward," "Westward," and the like, shall respectively be understood to denote only the general direction in which any boundary proceeds from the point last described, and not that such boundary shall continue to proceed throughout in the same direction to the point next described :
- 2.—When any road is mentioned merely by the name of the place to which such road leads, the principal road thither from the Borough of which the boundary is in course of description shall be understood :
- 3.—Whenever a line is said to be drawn from, to, through or in the direction of any distance to be measured from or to an object, such line shall, in the absence of any direction to the contrary, be understood to be drawn from, to, through or in the direction of, or such distance to be measured from or to, the centre of such object, as nearly as the centre thereof can be ascertained :
- 4.—Every building through which, or through any part whereof, any boundary hereby established shall pass, shall be considered as within such boundary :
- 5.—Whenever any boundary by this Act established is said to pass along any other boundary, or along any street, road, lane, path, river, stream, canal, drain, brook or ditch, the middle (as near as the same can be ascertained) of such other boundary, or of such road, lane, path, river, stream, canal, drain, brook or ditch shall, in the absence of any direction to the contrary, be understood :
- 6.—The middle of any street, road, or lane, shall be understood as the middle of the carriage-way along the same :
- 7.—When any boundary by this Act established is said to proceed, or any distance to be measured, along a street, road, lane, path, stream, river, canal or drain, from or to any object, such boundary shall be understood to proceed, or such distance to be measured, (as the case may be,) from or to that point

point in the middle of such road, lane, path, river, stream, canal or drain from which the shortest line would be drawn to the centre of such object, as nearly as the centre thereof can be ascertained.

5 8.—The point at which any fence, hedge, wall, boundary, street, road, lane, walk, path, river, stream, canal, drain, brook or ditch is said to cut, meet, join, cross, reach or leave any boundary, street, road, lane, path, wall, walk, river, stream, canal, drain, brook or ditch shall, in the absence of any direction
10 to the contrary, be understood as that point at which a line passing along the middle of the one would be cut by a line drawn along the middle of the other, if such line were prolonged sufficiently far:

15 9.—When a line is said to be drawn to a road, lane, river, stream or canal, such line shall, in the absence of any direction to the contrary, be considered as prolonged to the middle of such road, lane, river, stream or canal:

10.—By the words "Sea" and "Sea Coast" shall be understood, the low-water mark:

20 11.—If any deficiency shall be found to exist in the line of any boundary described in the said Schedule to this Act annexed, by reason of the intervention of any space between any two immediately consecutive points, such deficiency shall be supplied by a straight line to be drawn from the one to the other
25 of such two immediately consecutive points.

And be it Enacted, That for the purposes of this Act all places locally situate or included within the boundaries of any Borough or of any Ward thereof, as defined under this Act, shall be deemed and taken to be a part or parts of such Borough or of such Ward thereof
30 respectively; and in those Boroughs which are Counties of themselves shall for the purposes of this Act be part of such County and of none other; and the portion of every county of a city and county of a town not under this Act included within any such Borough, shall, until provision in that behalf shall be otherwise made under
35 this Act, be one barony in itself, and shall for all purposes of grand jury presentments and of criminal jurisdiction, and also of civil jurisdiction of the superior courts of law in Dublin, be part of the county at large which is adjacent to it, or with which it has the longest common boundary; and in every case in which the metes
40 and bounds of any Borough or County, under the provisions of this Act, shall not include any place or precinct which before the passing of this Act was part of such Borough or County, such place or precinct shall thenceforward for the purposes of this Act be taken to be part of the County wherein such place or precinct is or under the provisions and for the purposes of this Act shall be

11.
Places only
included
within the
Boundaries
for the purposes
of this
Act.

Parts cut off
from the
Borough to be
declared part
of the adjoining
County.

situated, or with which it has or under the provisions and for the purposes of this Act shall have the longest common boundary : Provided nevertheless, That if any such place or precinct shall have been liable before the passing of this Act to contribute to any rate which shall have been, or ought to have been, or if this Act had not been passed would or ought to be, made for the purpose of satisfying any lawful debt to which the rate-payers of such Borough or County of a City or County of a Town, or any part or parts thereof respectively were or are, or, when this Act shall come into operation, shall or ought to be liable to contribute; and in case any difference shall arise concerning the proportion of such debt which ought therefore to be paid and contributed in respect of such place or precinct, or concerning the instalments by which, or otherwise concerning the manner in which the same ought to be paid, raised, levied or apportioned, it shall be lawful for the Chief Justice of Her Majesty's Court of Queen's Bench in Dublin, in the case of the County of Dublin and the County of the City of Dublin, and in the case of any other County for the senior Justice of Assize for the County of which such place or precinct shall thenceforward be taken to be part on his circuit, on the application of the Council of such Borough, or of the Chairman of a public meeting of the rate-payers of such place or precinct, to appoint, by writing under his hand, a Barrister not having any interest in the question, to arbitrate between the parties, and by his award, under his hand and seal, to assess the proportion, if any, of such debt which ought therefore to be paid and contributed in respect of such place or precinct, and to determine the manner in which the same ought to be apportioned between such Borough and such precinct or place respectively, and in which the interest (if any) payable in respect of such debt ought to be provided for; and such arbitrator shall also assess the costs of the arbitration, and shall direct by whom and in what proportion, and out of what fund, the same shall be paid; and such rate as aforesaid shall be levied by warrant of the Council of such Borough, and paid by such place or precinct as if this Act had not passed, until such proportion shall have been fully paid and satisfied to the Treasurer of the Borough, and no longer: Provided nevertheless, That every County Gaol, House of Correction or Lunatic Asylum, or Court of Justice, which at the time of the passing of this Act is taken to be for any purpose within any County, shall still for all such purposes be taken to be within such County, any thing herein contained to the contrary notwithstanding: Provided also, That for all purposes of criminal jurisdiction of the Court of Queen's Bench in Dublin, and of all special or other commissions of Oyer and Terminer and Gaol Delivery, and of the Assizes to be holden in and for any such Borough, and also of civil jurisdiction of said superior courts of law, every Borough, as defined by this Act, in which this Act shall come into

into operation, and the name of which now belongs to a County or a City or County of a Town, shall be a County of a City or County of a Town respectively: Provided also, That nothing in this Act contained shall alter or affect any city or county of a city, town or county of a town, or borough, or the boundaries thereof, for any purpose of Parliamentary representation, or for any purpose relating thereto; and that where it is or shall be necessary to describe any residence or premises or place in any oath, affidavit or document, or otherwise, as within a city, or county of a city, or town, or county of a town, such residence, premises or place may be described as within the Parliamentary boundaries of the city or town respectively.

And be it Enacted, That it shall be lawful for the Grand Jury of any County at large to which any part or district of any County of a City or County of a Town shall be added by virtue of this Act, or for Twenty or more cess-payers of such part or district, to apply by Memorial to the Lord Lieutenant and Council, in order that such part or district, or any portion or portions thereof, may be annexed to adjoining Barony or Baronies of such County, and such Grand Jury or Cess Payers shall specify in such Memorial in what manner they propose that such annexation shall be made, and if they shall so think fit, in what proportion the Barony or Baronies to which addition shall be proposed by such Memorial to the Council shall be assessed or apportioned to Grand Jury Cess, and thereupon the Lord Lieutenant and Council shall from time to time make such Order or Orders as to them shall appear just, touching the subject-matter of such Petition, and shall settle and define the boundaries of the Barony or Baronies to which such addition shall be made; and the Grand Jury of such County, and also the Lord Lieutenant and Council, are hereby empowered, if they shall respectively deem fit, to employ a Surveyor or Surveyors to examine and report upon the circumstances of such Barony or Baronies, and such part or district as aforesaid, and to order the expenses of such examination and report to be paid; and the Grand Jury of such County which shall assemble next after such order shall and they are hereby required to present the amount of such expenses to be raised off such County, and paid out of the Grand Jury Cess thereof; and the Grand Jury of such County are hereby empowered to present, to be so raised and paid, all such further expenses as shall be incurred by them or by any former Grand Jury or their Officers, in and about the procuring of such annexation as aforesaid.

12.
CLAUSE (A.)
Provision for
annexing
Districts cut
off from
Borough to
adjoining
Baronia.

And be it Enacted, That in every case in which any place shall be added to or taken from any County at large by virtue of this Act, it shall be lawful for the Grand Jury of such County, from time to time, with the approbation of the Court of Queen's Bench in the case of the County of Dublin, and of the Judge or Judges of Assize

13.
CLAUSE (B.)
Grand Jury,
with approval
of Judge, to
adjust propo-
tions of Grand
Jury Cess.

in the case of any other County, to adjust or alter the proportions in which the place so added to such County shall contribute to the Grand Jury Cess of such County, or in which the Barony or Half Barony, or other district from which any place shall be so taken away shall so contribute, or in which the Barony, Half Barony or district which shall not sustain any increase or diminution by any such change ought to contribute, by reason of such change.

14.
Jurisdiction
of Courts ex-
tended to new
Boundaries.

Provided also, and be it Enacted, That the jurisdiction of the several Courts of the Boroughs named in the said Schedule (A.) shall extend to all places within the limits and boundaries of such Boroughs as defined under this Act, and the jurisdiction of the several courts of civil jurisdiction shall also extend to all places within the limits and boundaries of such Boroughs and the liberties thereof as they are at present constituted, or are now taken to be, by virtue of any charter or usage.

15.
Mistaken or
Misdescription
not to ob-
viate operation
of this Act, and
descriptions
to relate to
1st March
1826.

And be it Enacted, That no misnomer or inaccurate description contained in this Act, or in the Schedule (C.) hereto annexed, shall in anywise prevent or shridge the operation of this Act, with respect to the subject of such description, provided the same shall be designated so as to be commonly understood; and that for the purpose of identifying the descriptions contained in the said Schedule with the subject of such descriptions respectively, such descriptions shall, if such construction should be necessary, be held to apply to such subjects as they existed on the First day of March One thousand eight hundred and Thirty-six.

16.
Mayor to
set up Bound-
ary Marks
within Six
Months after
the first
Election
under this
Act;

AND whereas it is expedient that the metes and bounds of the several Boroughs to which this Act may at any time apply, and of the several Wards into which the same are to be divided, as described in the Schedule (C.) to this Act annexed, or in any charter to be granted as hereinafter provided, be constantly maintained, and generally known; BE it Enacted, That the Mayor of each of the said Boroughs respectively, within Six calendar Months after the first election of Mayor in that Borough under this Act, shall cause to be set up, at the expense of the Body Corporate of which he is Mayor, permanent and conspicuous boundary marks of iron, wood, stone or other durable material, in exact conformity with, or as near as circumstances will admit, to the respective metes and bounds of each Boroughs and the several Wards thereof, and in the most public and convenient places along or near the line of such metes and bounds; and further, within the period of Six calendar Months after the expiration of every successive period of Three Years thereafter, a circuit of perambulation of the metes and bounds of each of such Boroughs respectively, and of the several Wards into which the same is divided, shall be made by the Mayor, accompanied by

and with the
Town Clerk
to peram-
bulate the
Boundaries
once in every
Three Years
thereafter.

the

the Town Clerk of each Borough; and the Town Clerk shall, at the time of making each perambulation, inquire whether the name or names whereby the same mores and bounds for any part thereof are or is described, have or has been changed, and by what name or description the same are or is there commonly known and distinguished; and if any change in the description thereof shall have taken place, shall note the same in a book to be kept by him for that purpose, and to be called the "Boundary Book" of such Borough; and the Mayor is hereby required, in the event of any such boundary mark or marks as aforesaid being obliterated or defaced, to cause the same to be renewed at the expense of the Body Corporate, within Three calendar Months next after such perambulation as aforesaid.

Town Clerk to enter in Book as he kept for that purpose any change in the name or description of the Boundaries.

Mayor to replace any Boundary Marks obliterated or destroyed.

And be it Enacted, That every Mayor or Town Clerk who shall neglect to perform the duties hereinbefore described, shall forfeit the sum of Twenty Pounds, to be recovered by action in any one of the superior courts at Dublin, or by civil bill in any Court of Record having jurisdiction within such Borough respectively, by any person who shall sue for the same, one-half to be paid to the person who shall sue for the same, and the other half, after deducting the expenses of so suing, to be ascertained by such Court, to be paid to Her Majesty, Her heirs and successors.

17.
Mayor or Town Clerk neglecting to perform 20 l.

And be it Enacted, That every person who shall wilfully or maliciously pull down, deface, obliterate, injure, conceal or destroy any such boundary marks as aforesaid, shall for every such offence forfeit and pay, in addition to the value of such boundary mark or marks so aforesaid, any sum not exceeding Forty Shillings, to be recovered, paid and levied according to the provisions in this Act contained relative to offences against this Act punishable upon summary conviction.

18.
Penalty for defacing or injuring, &c. Boundary Marks, the value thereof, and any sum not exceeding 40s. for each offence, to be recovered as other Penalties under this Act.

And be it Enacted, That the several Wards into which the several Boroughs in the Schedule (C.) to this Act annexed mentioned are by this Act respectively divided, shall henceforth be denominated and distinguished by the name and names by which in such Schedule such Wards are specified and described in conjunction with the names of such Boroughs respectively, and by no other name or names.

19.
Wards to be denominated by the names in the Schedules.

And be it Enacted, That during the first Three Years next after this Act shall have come into operation in any Borough named in the said Schedule (A.), every man of full age who, on the last day of August in any year, shall have occupied, for Six calendar Months then next preceding, any house, warehouse, counting-house, office or shop within such Borough, which, either separately or jointly

20.
CLERK (C.) Qualifications of Burgesses for Three Years.

with any land within such Borough, occupied therewith by him as tenant, or occupied therewith by him as owner, shall be valued for the purpose of being rated to the relief of the poor under an Act passed in the last Session of Parliament, intituled, "An Act for the more effectual Relief of the destitute Poor in Ireland," as being of the net annual value of Eight Pounds, and who, during the time of such occupation, shall have been an inhabitant householder within such Borough, or within Seven statute Miles of such Borough, shall, if duly enrolled in that year, according to the provisions hereinafter contained, be a Burgess of such Borough, and a Member of the Body Corporate of the Mayor, Aldermen and Burgesses of such Borough: Provided always, That the premises in respect of the occupation of which any person shall be entitled to be so enrolled in any year, shall not be required to be the same premises, or in the same parish or union, but may be different premises, occupied in immediate succession by such person, in the same parish or union, or in different parishes or unions.

21.

Clause (D)
All Rates
levied must
be paid.

And be it Enacted, That no person shall be so enrolled as last aforesaid in any year, unless he shall have paid, on or before the last day of August as aforesaid, all rates made for the relief of the poor, and all grand jury and municipal cesses, rates and taxes payable by him in respect of the said premises, except such as shall become payable within Six calendar Months next before the said last day of August.

22.

Clause (E)
Qualification
of Burgesses
after Three
Years.

And be it Enacted, That after the expiration of the said period of Three Years next after this Act shall have first come into operation, every man of full age, who on the last day of August in any year shall have occupied any house, warehouse, counting-house, office or shop within any such Borough during that year, and the whole of each of the Two preceding years, and also during the time of such occupation shall have been an inhabitant householder within the said Borough, or within Seven statute Miles of the said Borough, shall, if duly enrolled in that year according to the provisions hereinafter contained, be a Burgess of such Borough and member of the Body Corporate of the Mayor, Aldermen and Burgesses of such Borough: Provided always, That the premises in respect of the occupation of which any person shall be so entitled to be enrolled, need not be the same premises, or in the same parish or union, but may be different premises, occupied in immediate succession by such person in the same parish or union, or in different parishes or unions.

23.

Clause (F)
All Rates
levied must
be paid.

And be it Enacted, That no person shall be so enrolled as last aforesaid in any year, unless he shall have been rated in respect of such premises so occupied by him within the Borough to all rates made

made for the relief of the poor of the parish or union wherein such premises are situated during the time of his occupation as aforesaid, unless he shall have paid, on or before the last day of August as aforesaid, all rates made for the relief of the poor, and all grand jury and municipal cesses, rates and taxes payable by him in respect of the said premises, except such as shall become payable within Six calendar Months next before the said last day of August.

And be it Enacted, That no person being an alien shall be so enrolled, and that no person shall be enrolled who within Twelve calendar Months next before the said last day of August shall have received relief by order of any Board of Guardians or of any paid officer to be appointed by virtue of the said Act for the relief of the poor, or any pension or charitable allowance from any fund intrusted to the charitable Trustees of such Borough hereinafter mentioned, either than medical or surgical assistance; but no person shall be disqualified from being enrolled as a Burgess by reason that any child of such person shall have been admitted and taught within any public or endowed school.

24.
Exceptions as
to Aliens and
Peasants.

And be it Enacted, That in every Borough it shall be lawful for any person occupying any house, warehouse, counting-house, office or shop, to claim to be rated to the relief of the poor in respect of such premises, whether the landlord shall or shall not be liable to be rated to the relief of the poor in respect thereof; and upon such occupier so claiming and actually paying or tendering to the collector thereof, or to the person or persons entitled to receive the same, or lodging to the credit of such collector or person or persons, or of his or their account, in the Bank of Ireland or Provincial Bank of Ireland or other Joint Stock Bank or any branch thereof established in such Borough, the full amount of the last-made rate then payable in respect of such premises, the persons charged with making out the list of persons entitled to be Burgesses in respect of the occupation of property in the parish or union in which such premises are situate are hereby required to put the name of such occupier upon the rate for the time being; and in case any such person shall neglect or refuse so to do, such occupier shall nevertheless, for the purposes of this Act, be deemed to have been rated to the relief of the poor in respect of such premises, from the period at which the rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, That where by virtue of any Act of Parliament the landlord shall be liable to the payment of the rate for the relief of the poor in respect of any premises occupied by his tenant, nothing herein contained shall be deemed to vary or discharge the liability of such landlord, but in case the tenant who shall have been rated for such premises in consequence of any such claim as aforesaid, shall make default in the payment of the poor's rate payable in respect thereof,

25.
Claims (G.)
Occupiers
may claim to
be rated.

thereof, such landlord shall be and remain liable for the payment thereof in the same manner as if he alone had been rated in respect of the premises so occupied by his tenant.

26.
In case
where persons
occupy Premises jointly,
each person
is to be entitled
to be enrolled
as a Burgess.

And be it Enacted, That where any premises as aforesaid in any Borough named in the said Schedule (A.) shall be jointly occupied by more persons than one, as owners or tenants, each of such joint occupiers shall, subject to the conditions hereinbefore contained as to persons occupying premises in any Borough, be entitled to be enrolled as a Burgess for such Borough in respect of the premises so jointly occupied, during the first three years next after this Act shall come into operation in such Borough, in every case where the net annual value of such premises shall be of an amount which, when divided by the number of such occupiers, shall give for each occupier a sum not less than the sum which would entitle such person to be enrolled if he occupied separately, but not otherwise.

27.
How distances are to
be reckoned

And be it Enacted, That in every case provided in this Act the distance of Seven Miles shall be computed by the nearest public road or way by land or water.

28.
In case of
Tides by
descent, &c.
How the
occupancy
is to be
reckoned.

And be it Enacted, That where any house, warehouse, office, counting-house or shop in any Borough named in the said Schedule (A.) shall come to any person by descent, marriage, marriage settlement, devise, bequest or promotion to any benefice or office, such person shall be entitled to reckon the rating and occupancy thereof by the person from or by whom such house, warehouse, office, counting-house or shop shall have so come to him as his own rating and occupancy, conjointly with the time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess in respect of such successive rating and occupancy, provided he shall be otherwise qualified as herein provided, and it shall not be necessary, in support of the title of such person to be so enrolled, to prove that he was an inhabitant householder within the said Borough, or within Seven Miles of the said Borough, or that he was an occupant or rated within the same, before the title to such house or other property as aforesaid shall have devolved upon him, and the rating in the name of the person previously occupying shall be considered a sufficient rating of the person so entitled, until a new rate shall be made subsequent to such devolution of title as aforesaid. Provided always, That the other person in respect of whose previous occupancy and rating he shall be so partially entitled shall have been enrolled a Burgess at the time of such devolution of title as aforesaid.

29.
No Burgess
to be elected
who is not
qualified under
this Act.

And be it Enacted, That after the passing of this Act no person shall be elected or enrolled a Burgess of any Borough for the purpose of enjoying the rights conferred for the first time by this Act

in

in respect of any right or title other than by residence, occupancy, rating and payment of cesses, rates and taxes respectively, within such Borough, according to the meaning and provisions of this Act.

And be it Enacted, That in all cases where the occupier of any
 5 tenement hereinbefore mentioned, shall have paid any cess, rate or tax whatsoever, the payment whereof is required by this Act for the purpose of entitling him to be enrolled a Burgess as aforesaid, such occupier shall be entitled to recover or set off the amount of such payment against the like persons and by the like means as if
 10 such payment had been made by legal compulsion.

And be it Enacted, That if any person in any of the Boroughs named in the Schedules aforesaid shall claim to be entitled to be placed on the Burgess Roll thereof, and shall also claim to be exempt from the payment of any tax, rate or cess payable in such Borough,
 15 the payment whereof is required to entitle a person to be placed on the Burgess Roll, it shall be lawful for the Barrister, or Mayor and Assessors (whose duty it shall be, under the provisions of this Act, to revise the Burgess List or Roll on which such person seeks to be placed), to inquire and determine whether such claim of
 20 exemption is a bona fide claim, or merely colourable; and if such Barrister or Mayor and Assessors shall determine that such claim is made bona fide, and is not a colourable claim, then and in every such case it shall and may be lawful for such Barrister or Mayor and Assessors, and they are respectively hereby required, to place the name of such
 25 person on the Burgess List or Roll, on payment or tender of one year's amount of such rate, tax or cess, to the collector thereof, by such person, or on his lodging such amount, to the credit of the said collector, in any of such Banks as aforesaid, in manner hereinbefore provided: Provided always, That such payment, tender or lodgment
 30 shall not, in any respect, prejudice or affect the right of such person to exemption from the payment of any part of such rate, cess or tax, or his right to recover back the sum which he shall have so paid, tendered or lodged, nor shall such payment, tender or lodgment in any respect vary, discharge or affect the liability of such person to
 35 pay the whole amount of the arrears of such rate, tax or cess which shall be then due, or the remedies for the recovery thereof.

AND whereas in the City of Dublin and other Boroughs named in the Schedules (A.) and (B.), various taxes, rates and cesses are made payable in advance, before the expiration of the period in respect of
 40 which they are imposed; BE it Enacted, That no tax, rate or cess shall be deemed to be due and payable within the meaning of this Act, so as to render the payment thereof necessary, in order to entitle the person liable to pay the same to be placed on the Burgess Roll, until after the expiration of the period in respect of which such tax, rate or cess was imposed.

30.
Occupiers
voluntarily
paying Rates
may recover
them.

31.
CLASSE (II.)
Persons
claiming
Exemption
from payment
of Taxes.

32.
CLASSE (I.)
Taxes payable
in advance.

33-
Clause (K.)
Declaring
what Taxes
shall be pay-
able in any
Borough.

And be it Enacted, That the rates, cesses and taxes specified in Schedule (F.) to this Act annexed, if the same, or any of them, be payable in any of the Boroughs named in the Schedule aforesaid, shall be and be deemed the rates, cesses and taxes within the meaning of this Act, the payment whereof shall be necessary to entitle a person to be placed on the Burgess Roll of any of said Boroughs; and no rate, cess or tax not specified in said Schedule (F.) shall be deemed a rate, cess or tax the payment whereof shall be necessary to entitle a person to be placed on any Burgess Roll.

34-
Collectors of
Rates to open
an account
with the Bank.

And be it Enacted, That after this Act shall come into operation in any Borough in which the Bank of Ireland, or Provincial Bank of Ireland or other Joint Stock Bank, or any branch thereof, shall be established, the several collectors of cesses, rates and taxes payable under any Act of Parliament now in force, or hereafter to be passed in that Borough, the payment whereof is required by this Act for the purpose of entitling any person to be enrolled a Burgess as aforesaid, shall open accounts within one of such Banks at their office in that Borough, in their respective names as such collectors, which account every such Bank, upon application, is hereby required to open and keep; and it shall be lawful to every person liable to pay any such cess, rate or tax, to pay the same, or so much thereof as he shall think fit, into the Bank, to the credit of any of the said accounts; and such payments shall be deemed to have been made to the collector to whose credit it was paid, and the proper officer of the Bank shall receive such payment, and give to the person making such payment a receipt signed by such officer, expressing the day and amount of such payment, the description of tax on account of which it was paid, the name of the person by whom paid, and of the collector to whose credit it was paid, which receipt shall not be liable to any stamp duty; and such receipt shall be evidence of the payment to the collector of the sum therein specified.

35-
Churchwardens of each
Parish to
make out Lists
in the first
year of persons
qualified as
Burgesses in
such Borough.

And be it Enacted, That on or before the Fifth day of September in the First year in which this Act shall come into operation in any Borough named in the said Schedule (A.) the Churchwardens of every Parish wholly or in part within any Ward of such Borough shall make out alphabetical Lists, according to the Form Number 1, in the Schedule (D.) to this Act annexed, of all persons, with their respective residences, who shall be entitled to be enrolled in the Burgess Roll according to the Provisions of this Act, in respect of property within such Parish and Ward, and shall sign such Lists, and deliver the same on the said Fifth day of September to the Town Clerk, and shall keep a true copy of such Lists, to be perused by any person, without payment of any fee, at all reasonable hours between the said Fifth and the Fifteenth days of September aforesaid.

And

36.
Town Clerks
to make out
Lists in
Boroughs in
following
year.

And he it Enacted, That on or before the Fifth day of September in every year except the first in which this Act shall come into operation in any Borough named in the said Schedule (A.) the Town Clerk of such Borough shall make out alphabetical Lists according to the said Form Number 1, in the Schedule (D.) to this Act annexed of all persons who shall be entitled to be enrolled in the Burgess Roll of that year within each Ward of such Borough, and shall sign such Lists, and shall on that day deliver a true copy of such Lists, signed by himself, to the Mayor of such Borough, and shall himself keep such original Lists to be perused by any person, without payment of any fee, at all reasonable hours between the Fifth and the Fifteenth days of September in every year.

37.
Town Clerk
to post the
Lists

And he it Enacted, That the Town Clerk shall forthwith cause copies to be printed of all Lists so delivered to him by the Churchwardens in the first year, and of all Lists made out by himself or under his direction in every succeeding year, and shall deliver a copy of all such Lists to any person requiring the same, on payment of a sum of One Shilling for each copy, and shall cause a copy of all such Lists to be fixed on or near the outer door of the Town Hall or in some public and conspicuous situation within the Borough on every day during the Eight Days next preceding the Fifteenth day of September in every year.

38.
Persons
excepted from
the Lists to
give Notice
to the Town
Clerk.

Notices as to
Persons not
entitled to be
returned to
the Lists.

And he it Enacted, That every person whose name shall have been omitted in any such List, and who shall claim to have his name inserted on the Burgess Roll, shall, on or before the Fifteenth day of September in every year, give notice thereof to the Town Clerk in writing, according to the Form Number 2, in the said Schedule (D.), or to the like effect; and every person whose name shall have been inserted in any such List for any Borough may object to any other person as not being entitled to have his name retained in the Burgess Roll for the same Borough; and every person so objecting shall, on or before the Fifteenth day of September in every year, give to the Town Clerk of such Borough, and also to the person objected to, or leave at the premises in respect of which his name shall have been inserted in such List, notice thereof in writing according to the Form Number 3, in the said Schedule (D.), or to the like effect; and every Town Clerk shall include the names of all persons so claiming in a List according to the Form Number 4, in the said Schedule (D.), and the names of all persons so objected to in a List according to the Form Number 5, in the said Schedule (D.), and shall cause copies of such Lists to be fixed on or near the outer door of the Town Hall, or in some public and conspicuous situation within such Borough during the Eight days next preceding the First day of October in every year; and the Town Clerk shall likewise keep a copy of the names of all the persons so claiming as aforesaid, and also a copy of

Lists of
Claimants,
and of Persons
objected to, to
be published,
&c.

the names of all persons so objected to as aforesaid, to be perused by any person, without payment of any fee, at all reasonable hours, during the Eight days, Sunday excepted, next preceding the First day of October in every year, and shall deliver a copy of each of such Lists to any person requiring the same, on payment of a sum not exceeding One Shilling for each copy. 5

39.
Lord Lieutenant may appoint Barrister for the present year

And be it Enacted, That it shall be lawful for the Lord Lieutenant of Ireland to appoint by warrant under his hand so many Barristers of not less than Five Years' standing at the bar as he shall think fit to revise the List of Burgesses in any Borough in the first year in which this Act shall come into operation in that Borough; and the Barrister so appointed shall, for that purpose, be in the place and stead of the Mayor and Assessors hereinafter mentioned of such City, Town or Borough, and shall revise the List of Burgesses, and have for that purpose all such powers as the Mayor and Assessors may possess in the succeeding years. 10 15

40.
Mayor to revise Lists, and upon due proof to insert and expunge Names.

And be it Enacted, That in the first year in which this Act shall come into operation in any Borough named in the said Schedule (A.) the Barrister appointed as aforesaid, and in every succeeding year the Mayor and the Two Assessors hereinafter mentioned of the Borough, shall hold an open Court within such Borough for the purpose of revising the said Lists, at some time between the First day of October inclusive and the Fifteenth day of October inclusive in every year, having first given Three clear Days' notice of the holding of such Court, to be fixed on or near the door of the Town Hall, or in some public and conspicuous situation within the Borough; and the Town Clerk of every such Borough shall at the opening of the Court produce the said Lists before him or them, and a copy of the Lists of the persons claiming and of the persons objected to, so made out as aforesaid; and the several Churchwardens for the present year of every parish wholly or in part within every such Borough shall attend the Court to be holden in this present year; and such Town Clerk and Churchwardens respectively shall answer upon oath all such questions as the Court may put to them or any of them touching any matter necessary for revising the said Lists; and the Mayor or Barrister, as the case may be, shall insert in such Lists the name of every person who shall be proved to the satisfaction of the Court to be entitled to be enrolled in the Burgess Roll according to the provisions of this Act, and shall retain on the said Lists the names of all persons to whom no objection shall have been duly made and sustained; and where the name of any person inserted in any one of the said Lists shall have been duly objected to, and the person objecting shall appear by himself or by some one on his behalf in support of such objection, the Court shall require proof of the qualification of the person so objected to; and 20 25 30 35 40

and in case the qualification of such person shall not be proved to the satisfaction of the Court, the Mayor or Barrister, as the case may be, shall expunge the name of every such person from the said Lists; and he shall also expunge from the said Lists the name of every person who shall be proved to be dead, and shall correct any mistake or supply any omission which shall be proved to have been made in any of the said Lists in respect to the name or place of abode, or local description of the property of any person who shall be included in any such List: Provided always, That no person's name shall be inserted by the Mayor or Barrister in any such List, or shall be expunged therefrom, except in the case of death, unless notice shall have been given as is hereinbefore required in each of the said cases; Provided also, That no ground of objection shall be inquired into at any such Court other than is stated in some notice so given as aforesaid; Provided also, That the fact of the name of any person having been on the Burgess Roll of the preceding year shall be *prima facie* evidence of his title to be enrolled for the current year.

Power to
rectify mis-
takes in the
Lists.

And be it Enacted, That every Mayor or Barrister holding any Court under this Act for the revision of the said Lists shall have power to adjourn the same from time to time, so that no such adjourned Court shall be held after the Fifteenth day of October in any year, and shall have power to require any High Constable, Churchwarden or other person authorized to applot, collect or levy any rate for the relief of the poor, cess, rate or tax within the Borough or within any Parish wholly or in part within the Borough, or other person or persons having the custody of any book of applotment or rate of valuation to produce the same, and allow the same to be inspected at any Court to be held for revision of the Burgess Roll, and shall have power to administer an oath to the Town Clerk and Churchwardens, and to all persons claiming to be inserted in or making objection to the omission or insertion of any name in the said Lists, and to all persons objected to in any of such Lists, and to all persons claiming to have any mistake in any such Lists corrected, and to all witnesses who may be tendered or examined on either side; and if any person taking any oath or making any affirmation under this Act shall wilfully swear or affirm falsely, such person shall be deemed guilty of Perjury, and shall be punished accordingly; and the Mayor and Assessors or Barrister shall, upon hearing in open Court, determine upon the validity of such claims and objections; and the Mayor or Barrister shall, in open Court, write his initials against the names respectively struck out or inserted, and against any part of the said Lists in which any mistake shall have been corrected, and shall sign his name to every page of the several Lists so settled.

41.
Mayor, on
revising the
Lists, to have
power of ad-
journing, of
disallowing
Oaths, &c.,
and shall settle
and sign the
Lists in open
Court.

42.
Borough List
to be kept by
the Town
Clerk, and
copied into
Books, with
the Names
numbered.

And be it Enacted, That the Lists so revised and signed as last aforesaid shall be delivered by the Mayor or Barrister to the Town Clerk of such Borough, who shall keep the same, and shall cause the said Lists to be fairly and truly copied into one general List in a book to be by him provided for that purpose, arranged alphabetically, in each Ward, with every name therein numbered, beginning the numbers from the first name in the first Ward, and continuing them in a regular series to the last name in the last Ward, and shall cause such Book to be completed on or before the Twenty-second day of October in every year, and shall deliver such Book, together with the Lists, at the expiration of his office, to the person succeeding him in such office; and every such Book shall be the Burgess Roll of the Burgesses of such Borough entitled to vote after the passing of this Act in the choice of the Aldermen and Councillors. Assessors and Auditors of such Borough as hereinafter mentioned, at any election which may take place in such Borough between the Twenty-fifth day of October inclusive in the year wherein such Burgess Roll shall have been made and the Twenty-fifth day of October in the succeeding year, or until a new Burgess Roll shall have been made.

43.
No Stamp
Duty payable
on Enrolment.

And be it Enacted, That no Stamp Duty shall be payable in respect of the admission, registry or enrolment of any Burgess, according to the provisions of this Act.

44.
Applications
may be made
to the Court
of Queen's
Bench for a
Mandamus
to put a
Burgess on
the Roll.

And be it Enacted, That it shall be lawful for any person whose claim shall have been rejected or name expunged at the revision of the Burgess Roll of any of the said Boroughs to apply before the end of the Term then next following to the Court of Queen's Bench for an order to the Mayor for the time being of that Borough to insert his name upon the Burgess Roll for such Ward as shall be named in the application, and thereupon for the Court to inquire into the title of the applicant to be so enrolled; and if the Court shall make such order absolute, the Mayor shall be bound to insert the name at the end of the Burgess Roll, with the addition of the Ward for which such name is so ordered to be inserted, and shall add thereunto the words "By Order of the Court of Queen's Bench," and shall subscribe his name to such words; and the Town Clerk shall be bound to produce the said Burgess Roll to the Mayor for that purpose; and thereupon the person whose name shall be so added to the Burgess Roll shall be deemed a Burgess, and entitled to vote and act as a Burgess in all respects as if his name had been put upon the Burgess Roll in that ward by the Barrister or Mayor and Assessors; and upon every such application the Court shall have power to make such Order with respect to the Costs as to the Court shall seem fit.

45.
Penalty for
wilfully
and corruptly

And be it Enacted, That if any such Mayor or Assessor shall wilfully and corruptly disallow the claim of any person who shall be duly

duly entitled, or wilfully and corruptly allow the claim of any person who shall not be duly entitled to be enrolled on the Burgess Roll, or if any such Mayor shall wilfully and corruptly expunge the name of any person duly entitled, or wilfully and corruptly insert or retain in such List the name of any person who shall not be duly entitled to be enrolled on such Burgess Roll, every Mayor or Assessor so offending shall be liable to be sued by way of civil bill in an action of debt for the penal sum of Fifty Pounds for every name so wilfully and corruptly allowed, disallowed, expunged, inserted or retained, at the suit of any Burgess of the said Borough who shall sue for the same in the Court of the Assistant Barrister, Chairman or Recorder having jurisdiction by way of civil bill within such Borough; and the Defendant in such action respectively, being convicted, shall pay such penal sum so awarded, with full costs of suit, to the party who may sue for the same; and if any Mayor, Town Clerk or Churchwarden shall wilfully neglect to make out such Lists, or wilfully omit the name of any person which ought to be inserted thereon, or wilfully insert in or retain on such Lists the name of any person which ought not to be inserted thereon, or wilfully neglect or refuse to perform the duties or any part thereof by this Act imposed upon him or them respectively, he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly

expunging or
not inserting
any Name.

Mayor, Town
Clerk, or
Church-
warden neg-
lecting duty,
guilty of
Misdemeanor.

46.

Copies of
Burgess Roll
to be made
for Sale.

47.

Expenses of
Lists how to
be defrayed

48.

Mayor, Alder-
men and
Councillors to
be chosen in
every Borough.

And be it Enacted, That the Town Clerk of every Borough named in the said Schedule (A.) shall cause to be written or printed copies of the Burgess Roll in every year, and shall deliver such copies to all persons applying for the same, on payment of a reasonable price for each copy, not exceeding the sum of Three-pence for every hundred names, and so in proportion for any lesser number; and the monies arising from the sale thereof, and of the Churchwardens and Town Clerks' Lists, and of the Lists of Claims and Objections as aforesaid, shall be paid over to the Treasurer of such Borough, and shall be applied by him in aid of the Borough Fund hereinafter mentioned.

And be it Enacted, That the Council of every Borough named in the said Schedule (A.) shall take an account of the reasonable expenses incurred in carrying into effect the several provisions of this Act, so far as relates to the said Lists, and shall order the Treasurer of such Borough to pay the same out of the Borough Fund of the said Borough.

And be it Enacted, That in every Borough named in the said Schedule (A.) there shall be elected, at the time and in manner hereinafter mentioned, One fit person, who shall be and be called "The Mayor" of such Borough; and in the different Wards of every such Borough there shall be elected at the time and in the manner hereinafter mentioned a certain number of fit persons, who shall be and be called "The Aldermen" of such Borough, and a certain number of other fit

persons, who shall be and be called "The Councillors" of such Borough; and the number of persons to be so elected Aldermen and Councillors of such Borough shall be the number of persons in that behalf mentioned in conjunction with the name of such Borough in the Schedule (A.) to this Act annexed; and such Mayor, Aldermen and Councillors for the time being, or so many of them as shall at any time be elected and have accepted the offices, shall be and be called "The Council of such Borough."

49.
Who are
qualified to be
chosen Mayor,
Aldermen or
Councillor.

And be it Enacted, That no person being in Holy Orders, or being the regular Minister of any Dissenting Congregation, shall be qualified to be elected, or to be a Councillor or an Alderman of any Borough; nor shall any person be qualified to be elected or to be a Councillor or an Alderman of any Borough named in said Schedule (A.) to this Act annexed, who shall not be entitled to be on the Burgess List of such Borough, nor unless he shall be seised or possessed of real or personal estate, or of both, of the clear value of One thousand Pounds above what will satisfy his debts, or shall occupy, and shall for Twelve Months next previous have occupied, a house valued for the purpose of being rated for the relief of the poor at the sum of Twenty Pounds or upwards, situate within the Borough; nor shall any person be qualified to be elected, or to be a Councillor or an Alderman of any such Borough during such time as he shall hold any office or place of profit, other than that of Mayor, in the gift or disposal of the Council or charitable Trustees of such Borough, or while he is an uncertificated bankrupt, or during such time as he shall have, directly or indirectly, by himself or his partner, any share or interest in any contract or employment with, by or on behalf of such Council or charitable Trustees; provided that no person shall be disqualified from being a Councillor or Alderman of any Borough as aforesaid by reason of his being a proprietor or shareholder of or in any Company which shall contract with the Council of such Borough for lighting or supplying with water any part of the said Borough, or insuring against fire any property therein.

50.
Burgesses to
vote for the
Councillors of
the Ward in
which their
Property is
situate.

And be it Enacted, That every Burgess of any Borough named in the said Schedule (A.) shall be entitled to vote in the election of the Aldermen and Councillors to be chosen within that Ward in which some part of the property of such Burgess in respect of which he is enrolled on the Burgess Roll for the time being of such Borough shall appear to be situated, and not otherwise, and no other person shall be entitled to vote in the election; and in case it shall happen that any Burgess shall be entitled to be enrolled in respect of property in Two or more Wards, then he shall, if otherwise duly qualified according to the provisions of this Act, be enrolled and vote in such one of the said Wards as he shall at the time of his enrolment select, by writing under his hand delivered to the Town Clerk,

or

or left at his office on or before the Fifth day of September in any year, or in default of his selection as the Mayor shall determine, but not in more than one.

And be it Enacted, That on the Twenty-fifth day of October in the first year in which this Act shall come into operation in any Borough mentioned in the said Schedule (A.), the Burgesses in every Ward of every such Borough shall elect from among the persons qualified to be Councillors of such Borough the number of persons mentioned in the Schedule (C.) to this Act annexed, in conjunction with such Ward, as the number of Aldermen and Councillors of said Borough to be elected in such Ward; and One-fourth part of the persons so elected, being those who shall have the greatest number of votes, shall be the Aldermen of the said Ward, and the remaining Three-fourths shall be the Councillors of such Ward; and in case an equal number of votes shall be given for any Two or more persons, any of whom but for such equality would be Aldermen, or where there shall be no contest, the majority of the whole Council shall determine which of such persons having an equal number of votes shall be Alderman or Aldermen.

51.
Directing the
election of
Aldermen and
Councillors.

And be it Enacted, That upon the Twenty-fifth day of October in every year following that in which this Act shall come into operation in any Borough One-third part of the number appointed as aforesaid to be the whole number of the Councillors of every Ward of such Borough shall go out of office, and the Burgesses then enrolled in the Burgess Roll for such Ward shall elect the number of Councillors needed to supply the vacancies thereupon existing in the number of Councillors; and those who shall so first go out of office shall be the Councillors who were elected under the provisions of this Act by the smallest numbers of votes at the first Election, and in the next year those who shall go out of office shall be the Councillors who were elected under the provisions of this Act by the next smallest numbers of votes at the first election, the majority of the whole Council always determining when the votes for any such persons shall have been equal, or, when there shall have been no contest, who shall be the persons so to go out of office; and thereafter those who shall so go out of office shall always be the Councillors who have been for the longest time in office without re-election: Provided always, That any Councillor so going out of office shall be capable of being forthwith re-elected, if then qualified as herein provided.

52.
One-third part
of the Council
to go out of
Office
annually.

And be it Enacted, That on the Twenty-fifth day of October in every Third year after the year in which this Act shall come into operation in any Borough, except in Dublin, Kilkenny and Clonmell, One of the Aldermen of every Ward shall go out of office, and

53.
One-third the
number of the
Aldermen to
go out of
office every
Three Years.

the Burgesses then enrolled in the Burgess Roll for that Ward shall elect an Alderman to supply the vacancy; and in the City of Dublin the Burgesses of each of the Nine southern Wards and Six northern Wards alternately shall separately elect in each Third subsequent year the Alderman of that Ward, and in each of the Boroughs of Kilkenny and Clonmell the Burgesses of each Ward alternately shall separately elect in each third subsequent year the Aldermen of that Ward, and the Council of each of the three last mentioned Boroughs shall determine in which Ward or Wards the Alderman or Aldermen shall be first re-elected; and the Alderman or Aldermen first elected in the Ward or Wards so determined upon by the Council shall go out of office at the end of Three Years after their election; and the Alderman of every Ward of every other Borough who shall so first go out of office shall be the Alderman who was elected in that Ward by the smallest number of votes at the First election; the majority of the Council determining when the votes for any such person or persons shall have been equal, or, in case there shall have been no contest, who shall be the Alderman or Aldermen first to go out of office; and thereafter those who shall go out of office shall always be those who have been Aldermen for the longest time without re-election: Provided always, That any Alderman on going out of office may be forthwith re-elected if then qualified.

54.
When day
of Election
falls on a
Sunday, the
Election
shall be held
on the Mon-
day follow-
ing.

55.
Election how
to be held.

Manner of
voting.

And be it Enacted, That whenever any day appointed by this Act as a day of Election, or for doing any act in any year, shall happen on a Sunday, in every such case the election shall be holden and the act done on the following Monday.

And be it Enacted, That the first election of Aldermen and of Councillors within any Ward according to the provisions of this Act shall be holden before the Barrister to be appointed by the Lord Lieutenant to revise the Lists of Burgesses as aforesaid, or the person whom the said Barrister shall appoint for that purpose in such Ward respectively, and such Barrister or other person shall for that purpose be in the place and stead of the Alderman and Assessors, and shall have all such powers as the Alderman and Assessors will possess in the subsequent elections; and every subsequent election of Aldermen or of Councillors within any Ward according to the provisions of this Act shall be holden before an Alderman and the Assessors for the time being of such Ward, except as herein is excepted, the senior Alderman presiding when there is more than one, and the voting at every such election shall commence at Nine of the clock in the Forenoon, and shall finally close at Four of the clock in the Afternoon of the same day, and shall be conducted in manner following; (that is to say) every Burgess entitled to vote in the election may vote for any number of persons not exceeding the number of Aldermen or Councillors

Councillors then to be chosen, by delivering to the Mayor or Barrister, or Alderman or person appointed as aforesaid, (as the case may be), a Voting Paper containing the christian names and surnames of the persons for whom he votes, with their respective places of abode and descriptions, such Paper being previously signed with the name of the Burgess voting, and with the name of the street, lane or other place in which the property in respect of which he is enrolled is situated.

And be it Enacted, That at every election under this Act in any Borough, the Mayor or Barrister, or Alderman or other person before whom the election shall be held, if it shall appear to him expedient for taking the poll at such election, may cause Booths to be erected, or rooms to be hired and used as such Booths, for different parts of such Borough, and such Booths or rooms may be situated either in one place or in several places, and shall be so divided and allotted into compartments as to him shall seem most convenient; and the Mayor or Alderman, or Barrister or other person shall appoint a Clerk to take the poll at each compartment, and shall cause to be affixed on the most conspicuous part of each of the said Booths the names of the parts of the Borough for which such Booth is respectively allotted; and no person shall be admitted to vote at any such election except at the Booth allotted for the part wherein the house, warehouse, counting-house, office or shop occupied by him as described in the Burgess Roll may be; but in case no Booth shall happen to be provided for any particular part as aforesaid, the votes of the persons voting in respect of property situate in any part so omitted may be taken at any of the said Booths; and public notice of the situation, division and allotments of the different Booths shall be given Two Days before the commencement of the poll by the Mayor or Alderman, or Barrister or other person; and in case the Booths shall be situated in different places, the Mayor or Alderman, or Barrister or other person may appoint a deputy to preside at each place: Provided that no election shall be holden under this Act in any Borough in any church, chapel or other place of public worship.

56.
Polling
Booths to be
provided.

And be it Enacted, That no inquiry shall be permitted at any election as to the right of any person to vote as a Burgess in any Borough, except only as follows; (that is to say) that the Mayor or other presiding officer shall, if required by any Two Burgesses entitled to vote in the same Borough, put to any voter at the time of his delivering in his Voting Paper, and not afterwards, the following questions, or any of them, and no other:

57-
No inquiry
of the Voter,
except as to
his identity,
and whether
he has voted
before at the
same Election.

1. Are you the person whose name is signed as A. B. to the Voting Paper now delivered in by you?

Force of
Questions as
to these points.

204.

D

2. Are

2. Are you the person whose name appears as A. B. on the Burgess Roll now in force for this Borough, being registered therein for property described to be situated in ? [Here specify the street, &c. as described in the Burgess Roll.]

3. Have you already voted at the present election, in this or any other Ward?

And no person required to answer any of the said questions shall be permitted or qualified to vote until he shall have answered the same; and if any person shall wilfully make a false answer to any of the questions aforesaid, he shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

58.
Poll may be closed if an Hour has elapsed without a Vote being tendered.

And be it Enacted, That at any election under the provisions of this Act, it shall be lawful for the presiding Officer to close the poll at any time before Four of the clock, if One Hour shall have elapsed, during which no vote shall have been tendered for any candidate; provided that no person or persons have within the last hour been prevented from coming to the poll by any riot, violence, or other unlawful means, of which notice shall have been given to the Returning Officer.

59.
Result of Election how to be declared.

And be it Enacted, That the Mayor and Assessors or the Alderman and Assessors, or the Barrister or other person appointed as aforesaid (as the case may be), shall examine the Voting Papers so delivered as aforesaid, for the purpose of ascertaining which of the several persons voted for are duly elected; and so many of such persons, being equal to the number of persons then to be chosen, as shall have the greatest number of votes, shall be deemed to be elected; and in case of an equality in the number of votes for any Two or more persons, the Mayor and Assessors, or Alderman and Assessors, or any Two of them, or at the first Election the Barrister or other person appointed by the Barrister as aforesaid, shall name from amongst those persons for whom the number of votes shall be equal so many as shall be necessary to complete the requisite number of persons to be chosen Aldermen or Councillors, as the case may be; and the Mayor shall cause the Voting Papers to be kept in the office of the Town Clerk during Six calendar Months at the least after every such election, and the Town Clerk shall permit any Burgess or any Two Burgesses together, to inspect the Voting Papers of any year, on payment of One Shilling for every search; and the Mayor shall publish a list of the names of the persons so elected, together with the number of votes given in favour of each person so elected, not later than Two of the clock in the afternoon of the day next but one following the day of such election.

60.
Manner of proceeding if any person is

And be it Enacted, That if at any Election of Aldermen, Councillors or Assessors for any Borough named in the said Schedule (A.) any

any person shall be elected an Alderman, Councillor or Assessor in more than One of the Wards of such Borough, he shall within Three Days after notice thereof choose, or in default the Mayor shall declare, for which one of the said Wards such Alderman, Councillor or Assessor shall serve, and such person shall thereupon be held to be elected in that Ward only which he shall so choose, or which the Mayor shall so declare.

selected an Alderman or Councillor in more than One Ward.

And be it Enacted, That on the First day of November in the year in which this Act shall come into operation in every Borough, and in every succeeding year, the Burgesses of the whole Borough shall, at an election to be holden before the Mayor, elect from the persons qualified to be Councillors, by a majority of votes, Two Burgesses, who shall be and be called "Auditors" of such Borough, and Two Burgesses, who shall be and be called "Assessors" of such Borough, and besides the Two Assessors chosen as aforesaid by the Burgesses for the whole Borough to hold the Court with the Mayor for revising the Burgess Lists, the Burgesses of every Ward shall on the First day of November next after the election of Councillors in such Ward, and in every subsequent year, elect from the persons qualified to be Councillors Two Assessors for such Ward, in the form and manner hereinbefore provided for the election of Councillors; and every such Auditor and Assessor shall continue in office until the Tenth day of November in the year following his election; and the election of such Auditors and Assessors respectively shall be in form and manner hereinbefore provided for the election of Councillors: Provided nevertheless, That in every such election of Auditors or Assessors of the Borough, or Assessors of the Ward, no Burgess shall vote for more than One person to be an Auditor or Assessor: Provided also, That no Burgess shall be eligible to be or be elected such Auditor or Assessor as aforesaid who shall be of the Council, or the Town Clerk or Treasurer of such Borough; and no Auditor or Assessor shall be eligible to be elected Alderman or Councillor, or appointed to be Town Clerk or Treasurer of the Borough, during the time of his being such Auditor or Assessor.

61.
Election of Auditors and Assessors.

And be it Enacted, That if the Mayor of any Borough shall at the time when it shall be necessary to execute the powers and duties herein provided with respect to elections be dead, absent or otherwise incapable of acting, the Council of such Borough shall forthwith elect one of the Aldermen to execute all such powers and duties in his place, whose acts shall be as valid as any act of the person instead of whom he shall have been so elected.

62.
Council to appoint an Alderman in default of the Mayor.

And be it Enacted, That in case of the illness or incapacity to act of any Alderman at any election, the Mayor shall be empowered to appoint another Alderman to act in the room of such Alderman during such illness or incapacity.

63.
In case of illness of Alderman at Election.

64.
Assessor may
appoint a
Deputy.

And be it Enacted, That every Assessor shall be empowered and he is hereby directed, as soon as conveniently may be after his election, and from time to time as the occasion may arise or to him may seem fit, to appoint under his hand a deputy to act for him in case of his illness or incapacity to act at any election or any revision of the Burgess Lists; and every such appointment shall be signified by him in writing under his hand to the Council, and shall be recorded on the minutes of their proceedings.

65.
Existing
Mayors and
Councils to
go out of
office on elec-
tion of Coun-
cils under the
Act.

And be it Enacted, That after the declaration of the first election of the Councillors under the provisions of this Act in any Borough named in the said Schedule (A.), the Mayor, Aldermen and Common Councillors, and all other members of the Common Council or governing Body of the Body Corporate, if any, named in conjunction with such Borough in the said Schedule (A.), by whatever name or style they may be known or called, then in office, or elected to any office, shall go out of office, and their whole powers and duties shall cease: Provided nevertheless, That any of the said persons shall be eligible to be elected and appointed under the provisions of this Act: Provided also, That such persons as by virtue of any charter are Justices of the Peace in any Borough named in the said Schedule (A.) at the time of passing this Act shall continue to have and exercise all the powers which at the time of passing this Act they have as Justices of the Peace until the First day of December next after the first election of Councillors under this Act in that Borough, and no longer.

66.
Certain
Electors not
to be lost.

And be it Enacted, That in every Borough in which, by statute, charter, bye-law or custom, any election is appointed to be holden between the day on which this Act shall come into operation in that Borough and the Twenty-fifth day of October then next following, both inclusive, no such election shall be holden, but every person holding office in any Borough on the day on which this Act shall come into operation in that Borough shall hold such office, and have all the powers, and be subject to all the duties, and be entitled to the same or a proportion of the same salary and fees of such office for the time for which he shall act, as if he had been elected to such office between the day on which this Act shall come into operation in that Borough, and the Twenty-fifth day of October then next following, until the time provided by this Act for him to go out of office.

67.
Occasional
Vacancies of
Councillors to
be filled up by
fresh Elections.

And be it Enacted, That if any extraordinary vacancy shall be occasioned in the office of Councillor, Auditor or Assessor for any Borough named in the said Schedule (A.) the Burgesses entitled to vote shall, on a day to be fixed by the Mayor of such Borough, or by the Alderman, appointed as aforesaid, of the Ward in which the vacancy

cancy has happened, accordingly as the election is to be by the Burgesses of the whole Borough or of any particular Ward (such day not to be later than Ten Days after such vacancy), elect from the persons qualified to be Councillors another Burgess to supply such vacancy; and
 5 such election shall be held, and the voting and other proceedings, in case of a contest, shall be conducted in the same manner and subject to the same provisions as are heretofore enacted with respect to the election of Councillors as aforesaid; and every person so elected shall hold such office until the time at which the person in room of whom
 10 he was chosen would regularly have gone out of office, and he shall then go out of office, but shall be capable of immediate re-election, if then qualified as herein provided.

And be it Enacted, That if any extraordinary vacancy shall be occasioned in the office of Alderman by reason of any person who
 15 shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Burgesses of the Ward in which the vacancy may have occurred, shall on a day to be fixed by the Mayor of such Borough, or by the Alderman, appointed as aforesaid, of the Ward in which the vacancy has
 20 happened, or if there shall be no Alderman appointed as aforesaid, by such Alderman or Councillor as shall have been appointed for that purpose by the Council (such day not to be later than Ten Days after such vacancy), elect out of the Councillors or persons qualified to be Councillors of the Borough another fit person to be an Alderman of the Ward instead of the person so declining, dying or
 25 ceasing to hold office.

68.
Occasional
Vacancies in
the office of
Aldermen to
be supplied.

69.
Election of
Mayor by
Council.

And be it Enacted, That on the First day of November in every year the Council of the Borough shall elect out of the Aldermen or Councillors of such Borough a fit person to be the Mayor of such
 30 Borough, who shall continue in his office for One whole year, and until his successor shall have accepted the office of Mayor, and shall have made and subscribed the Declaration required in that behalf; and in case of an equality of votes in any election of Mayor, the Alderman who shall have been elected by the greatest number of votes
 35 shall have a second or casting vote; and in case a vacancy shall be occasioned in the office of Mayor of the Borough during such year, by reason of any person who shall have been elected to such office not accepting the same, or by reason of his dying or ceasing to hold the said office, the Council of the Borough shall within Ten Days
 40 after such vacancy elect out of the Aldermen or Councillors of the said Borough another fit person to be the Mayor thereof for the remainder of the then current year.

70.
The Mayor to
be a Justice
of the Peace

And be it Enacted, That the Mayor for the time being of every Borough named in the said Schedule (A.) shall be a Justice of the Peace

for the
Borough and
Seiche County,
and Returning
Officer at
Elections of
Members to
serve in Par-
liament.

of and for such Borough, and such Mayor shall, during his mayoralty, have precedence in all places within the Borough, and in Boroughs which return a Member or Members to serve in Parliament, other than cities and towns which are counties of themselves, shall be the Returning Officer at all elections for such Members; and such Mayor or other Returning Officer of any such Borough shall, if he shall think fit, or if any candidate shall require the same, be assisted in such of the said Boroughs as shall have a Recorder by the Recorder of such Borough as his Assessor at such election; and in case the Mayor shall, at the time when it shall be necessary to execute the powers and duties herein provided with respect to any elections, be dead or absent, or otherwise incapable of acting, the Council of such Borough shall forthwith elect one of the Aldermen to be the Returning Officer for such Borough in the place of the Mayor being so dead, absent or otherwise incapable.

71.
Mayor, Alder-
man, Council-
lor, &c.
not to sit
until they
have made a
declaration of
acceptance of
Office.

And be it Enacted, That no person elected a Mayor, Auditor or Assessor for any Borough, or Alderman, Councillor, Assessor for any Ward of any Borough, under the provisions of this Act, shall be capable of acting as such, except in administering the declaration hereinafter contained, until he shall have made and subscribed before any Two or more of such Aldermen or Councillors (who are hereby respectively authorized and required to administer the same) a declaration in the words or to the effect following: (that is to say)

"I, A. B., having been elected Mayor [or, Alderman, Councillor, Auditor or Assessor] for the Borough of [or, for the Ward of in the Borough of], do hereby declare, That I take the said office upon myself, and will duly and faithfully fulfil the duties thereof according to the best of my judgment and ability."

And in the case of the party being required to be qualified by estate,

"And I do hereby declare, That I am seised or possessed of real or personal estate [or both, as the case may be] to the amount of One thousand Pounds [as the case may require,] over and above what will satisfy my debts."

Or, when a qualification by reason of the occupancy of a house is allowed:

"That I now occupy, and have for Twelve months last past occupied, a house rated for the relief of the poor at the sum of not less than Twenty Pounds, situate within this Borough."

And that every Alderman who shall have made and subscribed the foregoing declaration in respect of estate shall once in every period of Three Years, if required in writing so to do by any Two Members of the Council, make and subscribe a Declaration that he is qualified to

to the same amount in real or personal estate, or both, as the case may then be, as the amount mentioned in the declaration originally made or subscribed by him; and every Mayor, Alderman, Councillor, Auditor or Assessor who shall in any such declaration wilfully make
 5 a false statement shall be deemed guilty of a Misdemeanor, and may be indicted and punished accordingly.

And he it Enacted, That every person duly qualified who shall be elected to the office of Alderman, Councillor, Auditor or Assessor, and every Councillor or Alderman who shall be elected to the office
 10 of Mayor for any Borough named in the said Schedule (A.) shall accept the office to which he shall have been so elected, or shall in lieu thereof pay to the Mayor, Aldermen and Burgesses of such Borough such fine, not exceeding Fifty Pounds in case of Aldermen, Councillors, Assessors or Auditors, and such fine not
 15 exceeding One hundred Pounds in case of Mayor, as the Council of such Borough, by a bye-law to be made as hereinafter provided, shall declare in that behalf; and such fine, if not duly paid, shall be levied by the warrant of any Justice having jurisdiction within such Borough, who is hereby required on application of the
 20 Council to issue the same, by distress and sale of the goods and chattels of the person so refusing to accept such office with the reasonable charges of such distress, and shall also be recoverable by way of civil bill in any action of debt, at the suit of the Mayor, Aldermen and Burgesses of such Borough, in the Court of the Assistant-
 25 Barrister, Chairman or Recorder having jurisdiction by way of civil bill within such Borough; and every such person so elected shall accept such office, by making and subscribing the declaration hereinbefore mentioned within Five Days after notice of his election, otherwise such person shall be liable to pay the said fine as for his non-
 30 acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a fresh election to be made in the manner hereinbefore mentioned: Provided always, That no person disabled by lunacy or imbecility of mind, or by deafness, blindness or other permanent infirmity of body, shall be liable to
 35 such fine as aforesaid: Provided also, That every person so elected to any such office, who shall be above the age of sixty-five years, or who shall have already served such office respectively or paid the fine for not accepting such office respectively, within Five Years from the day on which he shall be so re-elected, shall be exempted from
 40 accepting or serving the same office if he shall claim such exemption within Five Days after notice of his election; and that nothing herein contained shall extend to compel the acceptance of any office or duty whatever in any Borough by any military, naval or marine officer in Her Majesty's service on full pay, or any officer of Excise or Customs, or any person employed in any of Her Majesty's dockyards, victual-
 ling establishments, arsenals or harracks, or any person serving in

72.
 Every Bur-
 gess elected
 to the office
 of Councillor,
 and every
 Councillor
 elected to the
 office of Mayor
 or Alderman,
 shall accept
 the office, or
 pay a Fine to
 the Borough
 Fund.

the office of High or Sub-Sheriff of a county at large, or being a Member of either House of Parliament : Provided further, That no person enabled by law to make an affirmation or declaration instead of taking an oath shall be liable to any fine for non-acceptance of office in any Borough.

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73.
Penalty
for resigning
Office.

And be it Enacted, That every person elected into any corporate office in any of the said Boroughs, may at any time resign such office on payment of the fine which he would have been liable to pay for non-acceptance of the same office, or if he shall become entitled to claim exemption from payment of any such fine, or from accepting or serving such office under any provision herein-
before contained.

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74.
Any Mayor,
Alderman or
Councillor, if
he shall be
declared
bankrupt, or
insolvent, or
absent him-
self from the
Borough, shall
lose his Office

And be it Enacted, That if any person holding the office of Mayor, Alderman or Councillor for any Borough named in the said Schedule (A.) shall be declared bankrupt, or shall apply to take the benefit of any Act for the Relief of Insolvent Debtors, or shall compound by deed with his creditors, or, being Mayor, be absent for more than Two calendar Months, or, being an Alderman or Councillor, for more than Six Months, at one and the same time (unless in case of illness or other reasonable cause to be allowed by the Council), from the Borough of which he shall be Mayor, Alderman or Councillor, then and in every such case such person shall thereupon immediately become disqualified, and shall cease to hold the office of such Mayor, Alderman or Councillor as aforesaid, and in case of such absence shall be liable to the same fine, to be recovered in the same manner, as if he had refused to accept the said office, and the Council thereupon shall forthwith declare the said office to be void, and shall signify the same by notice in writing under the hands of Three or more of them, countersigned by the Town Clerk, to be affixed in some public place within the Borough, and the said office shall thereupon become void ; but every person so becoming disqualified and ceasing to hold such office on account of his being declared a bankrupt, or of his applying to take the benefit of any Act for the Relief of Insolvent Debtors, or having compounded with his creditors as aforesaid, shall, on obtaining his certificate, or on payment of his debts in full, be capable, if otherwise qualified, of being re-elected to such office ; and every person becoming disqualified to hold such office on account of absence as aforesaid, shall on his return to such Borough be capable of being re-elected to such office, provided he shall then be otherwise qualified.

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75.
Penalty on
Person not
qualified, &c.
acting as

And be it Enacted, That if any person shall act as Mayor, Alderman or Councillor, or Auditor or Assessor, for any Borough named in the said Schedule (A.), or for any Ward in such Borough, without

without having made the declaration hereinbefore required in that behalf, or without being duly qualified at the time of making such declaration, or after he shall have ceased to be qualified according to the provisions of this Act, or after he shall have become disqualified to hold any such office, he shall for every such offence forfeit the sum of Fifty Pounds, such sum to be recovered, with full costs of suit, by any person who will sue for the same within Three calendar Months after the commission of such offence, by action of debt or on the case in any of Her Majesty's Superior Courts of Record; and every person so sued by reason of not being so qualified in respect of estate shall prove that he was at the time of so acting qualified as aforesaid, or otherwise shall pay the said penalty, without any further evidence being given on the part of the plaintiff than that such person has acted as the Mayor, or as Alderman, Councillor, Auditor or Assessor (as the case may be) of such Borough or Ward (as the case may be): Provided always, That it shall be lawful for any defendant by Judge's order, or by the order of the Court, to be obtained within Fourteen Days after he shall have been served with process in any such action, to require the plaintiff to give security for costs; and in such case all further proceedings in the said cause shall be stayed until the plaintiff shall give security to the satisfaction of the proper officer of the Court for the costs of such action in case a verdict shall pass for the defendant, or the plaintiff shall become nonsuit or discontinue such action, or if upon demurrer or otherwise judgment shall be given against the plaintiff, and the defendant shall in either of such cases recover his full costs as between attorney and client: Provided also, That no such action shall be brought except by a Burgess of such Borough, nor unless the Burgess bringing the same shall, within Fourteen Days after the commission of the offence, have served a notice in writing personally upon the party committing such offence of his intention to bring such action; and in case the plaintiff in any such action shall obtain a verdict, the money so to be recovered shall, after payment of the costs and expenses attending the recovery thereof, be paid and apportioned as follows; (that is to say) one Moiety thereof to the person so suing, and the other Moiety thereof to the Treasurer to be appointed by virtue of this Act, to be by him applied in aid of the Borough Fund: Provided also, That all acts and proceedings of any person in possession of the office of Mayor, Alderman, Councillor, Auditor or Assessor, and acting as a Mayor, Alderman, Councillor, Auditor or Assessor, shall, notwithstanding such disqualification or want of qualification, or any other defect or want of Title, be as valid and effectual as if such person had been duly qualified or entitled; and no person enrolled on the Burgess Roll for the time being of any Borough, and who shall act as Mayor, Alderman,

Provis.

Councillor, Auditor or Assessor in that Borough, shall be liable to any penalty for so acting, on the ground that he was not entitled to be on the Burgess List of such Borough.

76.

Persons convicted of Bribery disqualified from voting at any Election for Members of the Council.

And be it Enacted, That if any person who shall have or claim to have any right to vote in any election of Mayor, or of an Alderman, Councillor, Auditor or Assessor of any Borough named in the said Schedule (A.), shall, after the passing of this Act, ask or take any money or other reward by way of gift, loan or other device, or agree or contract for any money, gift, office, employment or other reward whatsoever, to give or forbear to give his vote in any such election, or if any person, by himself or any person employed by him, shall, by any gift or reward, or by any promise, agreement or security for any gift or reward, corrupt or procure, or offer to corrupt or procure, any person to give or forbear to give his vote in any such election, such person so offending in any of the cases aforesaid shall for every such offence forfeit the sum of Fifty Pounds, to be recovered, together with full costs of suit, by any one who shall sue for the same, by action of debt, bill, plaint or information, in any of Her Majesty's Courts of Record at Dublin; and any person offending in any of the cases aforesaid, being lawfully convicted thereof, shall for ever be disabled to vote in any election in such Borough, or in any Municipal or Parliamentary election whatever in any part of the United Kingdom, and also shall for ever be disabled to hold, exercise or enjoy any office or franchise to which he then shall or at any time afterwards may be entitled as a Burgess of such or any other Borough, as if such person was naturally dead: Provided nevertheless, That if any person offending in any of the cases aforesaid shall, within the space of Twelve calendar Months next after such election as aforesaid, discover any other person or persons offending in any of the cases aforesaid, so that such person or persons so discovered be thereon convicted, such person so discovering, and not having been before that time convicted of any such offence, shall be indemnified and discharged from all penalties and disabilities which he shall then have incurred by any such offence.

Persons offending in any of the cases aforesaid discovering others so offending, within Twelve Months, discharged from all Penalties.

77.

No Person to be made liable to incapacity or Penalty, unless Prosecution commenced within One Year.

Provided always, and it is hereby Enacted, That no person shall be made liable to any incapacity, disability, forfeiture or penalty by this Act imposed in any of the cases aforesaid, unless prosecution be commenced within One Year after such incapacity, disability, forfeiture or penalty shall be incurred; any thing herein contained to the contrary notwithstanding.

78.

Questions to be decided by a majority of

And be it Enacted, That all acts whatsoever authorized or required by virtue of this Act to be done by the Council of any Borough

Councillors
present; One-
third Part of
the whole
number to be
a Quorum.

Borough named in the said Schedule (A.), and all questions of adjournment or others that may come before such Council, may be done and decided by the majority of the members of the Council who shall be present at any meeting held in pursuance of this
 5 Act, the whole number present at such meeting not being less than One-third part of the number of the whole Council; and at all such meetings the Mayor, if present, shall preside; and the Mayor, or, in case of the absence of the Mayor, such Alderman or Councillor as the members of the Council then assembled shall choose to be the
 10 Chairman of that meeting, shall have a second or casting vote in all cases of equality of votes; and minutes of the proceedings of all such meetings shall be drawn up and fairly entered into a book to be kept for that purpose, and shall be signed by the Mayor, Alderman or Councillor presiding at such meeting; and
 15 the said minutes shall be open to the inspection of any Burgess at all reasonable times on payment of a fee of One Shilling; and any Burgess shall be at liberty at all reasonable times to make any copy or take any extract from such book: Provided always, That previous to any meeting of the Council held by virtue of
 20 this Act, a notice of the time and place of such intended meeting shall be given Three clear Days at least before such meeting, by fixing the said notice on or near the door of the Town Hall of the Borough; and such notice shall be signed by the Mayor, who shall have power to call a meeting of the Council as often as he
 25 shall think proper; and in case the Mayor shall refuse to call any such meeting after a requisition for that purpose signed by Five Members of the Council at the least shall have been presented to him, it shall be lawful for the said Five Members to call a meeting of the Council by giving such notice as is hereinbefore required in
 30 that behalf, such notice to be signed by the said members instead of the Mayor, and stating therein the business proposed to be transacted at such meeting; and in every case a summons to attend the Council, specifying the business proposed to be transacted at such meeting, signed by the Town Clerk, shall be left at the usual place
 35 of abode of every member of the Council, or at the premises in respect of which he is enrolled a Burgess, Three clear Days at the least before such meeting; and no business shall be transacted at such meeting other than is specified in the notice: Provided always, That there shall be in every Borough Four quarterly meetings in
 40 every year at which the Council shall meet for the transaction of general business, and no notice shall need to be given of the business to be transacted on such quarterly days; and the said quarterly meetings shall be holden at noon on the First day of November, and at such hour on such other Three days before the Twenty-fifth day of October then next following as the Council at the quarterly meeting in November shall decide; and the first busi-

ness transacted at the quarterly meeting in November shall be the election of Mayor.

79.
Power to
Council to
appoint Town
Clerk, Treas-
urer, and
other Officers,
and to take
security for
due discharge
of their
official duties.

And be it Enacted, That the Council of every Borough named in the said Schedule (A.) in the year in which this Act shall come into operation shall appoint, to be removable at their pleasure, a fit person, not being a member of the Council, to be the Town Clerk of such Borough, and in every year one other fit person, not being a member of the Council, to be the Treasurer of the Borough, and also such other officers as have been usually appointed in such Borough, or as they shall think necessary for enabling them to carry into execution the various powers and duties vested in them by virtue of this Act, and may from time to time discontinue the appointment of such officers as shall appear to them not necessary; and shall take such security for the due execution of his office by any such Town Clerk, Treasurer or other officer, as the said Council shall think proper; and shall order to be paid to the Mayor, and to the Town Clerk and Treasurer, and to every such other officer to be employed as aforesaid, such salary or allowance as the said Council shall think reasonable; and in case of a vacancy in any such office as aforesaid, by death, resignation, removal or otherwise, the Council of such Borough may appoint another fit person in the place of the person so making such vacancy; provided that the Town Clerk and Treasurer shall not be the same person.

80.
Officers to
account, &c.
according to
the Orders
of the Coun-
cil.

And be it Enacted, That every Treasurer, Town Clerk or other officer appointed by the Council as aforesaid shall, at such times during the continuance of his office, or within Three calendar Months after the expiration of his office, and in such manner as the said Council shall direct, deliver to the Council or to such person as they shall authorize for that purpose, a true account in writing of all matters committed to his charge by virtue of this Act, or under colour of his office, and also of all monies which shall have been by him received by virtue or for the purposes of this Act, or under colour of his office, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments, and also a list of the names of all such persons as shall not have paid the monies due from them for the purposes of this Act, and of the amount due from each of them; and every such officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to such account, or such list as aforesaid, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or

Summary
regularly
submitted
Officers
not account-
ing, &c.

to such person as they shall authorize, within Three Days after being thereunto required by notice in writing under the hands of any Three or more of the said Council, to be given to or left at the last place of abode of such officer, all books, papers and writings in his custody or power, relating to the execution of this Act, or to give satisfaction to the said Council, or to such other person as aforesaid, respecting the same, then and in every such case, upon complaint made on behalf of the said Council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the County, or other jurisdiction wherein such officer so refusing or neglecting shall be or reside, such Justice is hereby authorized and required to issue a warrant under his hand and seal for bringing such officer before any Two Justices of the Peace for such County or jurisdiction; and upon the said officer appearing, or not being found, it shall be lawful for such Justices to hear and determine the matter in a summary way; and if it shall appear to such Justices that any monies remain due from such officer, such Justices may and they are hereby authorized and required, upon non-payment thereof, by warrant under their hands and seals, to cause such monies to be levied by distress and sale of the goods of such officer; and if sufficient goods shall not be found to satisfy the said monies, and the charges of the distress, or if it shall appear to such Justices that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or such list as aforesaid, or that any books, papers or writings relating to the execution of this Act remain in the hands or in the custody or power of such officer, and that he has refused or wilfully neglected to deliver the same, or to give satisfaction respecting the same as aforesaid, then and in every such case such Justices shall and they are hereby required to commit such offender to the Common Gaol or House of Correction for the County or jurisdiction where such offender shall be or reside, there to remain without bail until he shall have paid such monies as aforesaid, or shall have compounded with the said Council for such monies, and shall have paid such composition in such manner as they shall appoint (which composition the said Council are hereby empowered to make and receive), or until he shall have delivered a true account as aforesaid, together with such vouchers and list as aforesaid, or until he shall have delivered up such books, papers and writings, or have given satisfaction in respect thereof to the said Council, or to such other person as aforesaid, as the case may be: Provided always, That no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than Three calendar Months: Provided also, That nothing in this Act contained shall prevent or abridge any remedy by action against any

Proviso.

Remedy by
Action.

such officer so offending as aforesaid, or against any surety for any such officer, but such officer shall not be sued by action and also proceeded against in a summary manner by virtue of this Act for the same cause.

81.

Officers to
continue until
renewed.

And be it Enacted, That the Council elected under this Act in any Borough named in the said Schedule (A.), shall have power to remove from his office every Town Clerk, Bailiff, Treasurer or Chamberlain, and every other ministerial or executive officer of such Borough and Body Corporate, except the Sheriff, who shall be in office at the time of the first election of Councillors under this Act; and every such Town Clerk, Bailiff, Treasurer or Chamberlain, and every other ministerial or executive officer in such Borough, shall continue to act in the same capacity as heretofore, and to execute all the duties heretofore belonging to his office, and be entitled to have the same salaries, fees and emoluments as he would have had if this Act had not passed, until he shall be removed from his office, and so longer, unless he shall be re-appointed according to the provisions of this Act; and every officer who shall be in possession or receipt of any monies, goods, valuable securities, books or papers belonging to or concerning the Body Corporate whose officer he is shall deliver up and account for the same to the Council of such Body Corporate appointed under this Act; and in case they or any of them shall refuse or wilfully neglect to deliver such accounts, vouchers and lists, or to make such payments, or to deliver such books, papers and writings, or to give satisfaction respecting the same, as is hereinbefore provided in the case of officers appointed by such Council, they and every of them may be proceeded against, and shall be subject and liable to the several provisions hereinbefore contained in cases of officers appointed by such Council; and all the charters, deeds, muniments and records of every Borough, or relating to the property thereof, shall be kept in such place as the Council from time to time shall direct, and the Town Clerk for the time being shall have the charge and custody of and be responsible for the same.

82.

Officers to
receive Com-
pensation or
renewal.

And be it Enacted, That every officer of any Borough named in the said Schedule (A.) or of any County, or County of a City, or County of a Town, who shall be in any office of profit at the time of the passing of this Act whose office shall be abolished, or who shall be removed from his office under the provisions of this Act, or who shall not be re-appointed as aforesaid, shall be entitled to have an adequate compensation, to be assessed by the Council and paid out of the Borough Fund, for the salary, fees and emoluments of the office which he shall so cease to hold, regard being had to the manner of his appointment to the said office, and his term or interest therein, and all other

other circumstances of the case; and every person entitled to such compensation as aforesaid shall deliver to the Town Clerk, or in case such person shall himself be Town Clerk, then to the Treasurer of the Borough, a statement under the hand of such person setting forth the amount received by him or his predecessors in every year during the period of Five Years next before the passing of this Act, on account of the salary, fees, emoluments, profits and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, situation, employment or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information and belief of such person, and also setting forth the sum claimed by him as such compensation; and the Town Clerk or Treasurer, as the case shall be, shall lay such statement before the Council, who shall take the same into consideration, and determine thereon; and immediately upon such determination being made, the person preferring such claim, if he shall not himself be the Town Clerk, shall be informed thereof by notice in writing under the hand of the Town Clerk; and in case such claim shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the person preferring such claim shall think himself aggrieved by the determination of the Council thereon, or in case One-third of the members of the Council shall subscribe a protest against the amount of compensation allowed by the determination of the Council as excessive, it shall be lawful for the person preferring such claim, or any member of the Council who shall subscribe such protest, to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such order as to them shall seem just; and such order, signed by Three or more of such Commissioners, shall be binding on all parties: Provided always, That if the Council shall not determine on such claim within Six calendar Months after the aforesaid statement shall be delivered to the Town Clerk or Treasurer, as the case shall be, such claim shall be considered as admitted: Provided also, That it shall not be lawful for any member of the Council to subscribe such protest as aforesaid except within such period of Six calendar Months: Provided also, That the person preferring such claim, if any member of the Council shall so require, upon receiving notice in writing signed by the Town Clerk, unless such person shall himself be Town Clerk, in which case no such notice shall be requisite, shall from time to time attend at any meeting or adjourned meeting of the Council for the investigation of such claim, and then and there, upon his oath or solemn affirmation, or his declaration, to be taken or made before the Mayor (who is hereby authorized to administer the same), shall answer all such questions as shall be asked by any member of the

Council touching the matters set forth in the statement subscribed by such person as aforesaid, and produce all books, papers and writings in his possession, custody or power relating thereto: Provided also, That every such officer who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

83.
Compensation
to be secured
by bond under
Common Seal.

And be it Enacted, That the value of the sum payable to any person as such compensation as aforesaid, if not forthwith paid, shall be secured to such person by bond or obligation under the common seal of the Borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors or administrators or assigns, of the value of such sum, with interest, and all arrears thereof (if any) accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the Borough Fund, and delivered to the person entitled to such compensation as soon as conveniently may be after the amount thereof shall have been admitted as aforesaid by the Council of the Borough, or shall have been determined, in the event of such appeal as aforesaid, by order of the said Commissioners of Her Majesty's Treasury.

84.
Reservation
of certain
Pensions and
Allowances.

And be it Enacted, That all pensions and allowances granted on or before the Fifth day of June One thousand eight hundred and Thirty-five, by the Corporate Body named in the said Schedule (A.) in conjunction with any Borough, to any retired officer or servant, or to any officer by permanent infirmity rendered incapable of performing the duties of his office, or to the widow or child of any officer or servant, and all stipends and allowances which during Seven Years next before the said Fifth day of June have been usually paid and granted to the Minister or late Minister of any Church or Chapel, or to the Master or Usher of any School, or to the Governor or Master of any Hospital within such Borough, and all charitable allowances which have been usually paid as aforesaid to the inmates of any almshouses by such Corporate Body, shall be secured, as soon as conveniently may be after the passing of this Act, to every person entitled or accustomed to have and receive the same, by bond or obligation under the common seal of the Borough out of whose funds the same shall be payable, in a sufficient penalty, conditioned for the payment to such person, his executors and administrators, of such pension, stipend or

or allowance, with all arrears thereof, if any, accrued due before the date of such bond; and such bond or obligation shall be prepared and executed at the expense of the Borough Fund.

And be it Enacted, That it shall be lawful for the Council of any Borough to appoint out of their own Body from time to time such and so many Committees, either of a general or special nature, and consisting of such number of persons as they may think fit, for any purposes which in the discretion of such Council would be better regulated and managed by means of such Committees: Provided always, That the acts of every such Committee shall be submitted to the Council for their approval.

85.
Power to
Council to
appoint Com-
mittees.

AND whereas it is expedient that the administration of any real or personal estate of which any Body Corporate now stands seised or possessed in trust as to the whole or in part for certain charitable trusts be kept distinct from that of the public stock and Borough Fund; BE it Enacted, That in every Borough named in the said Schedule (A) in which the Body Corporate named in the said Schedule, solely or together with any one or more of the Members of such Body Corporate, in his or their corporate capacity, or any person or persons elected from among or out of the members or any of the members of such Body Corporate, or any person or persons elected solely by such Body Corporate, or solely by any particular number, class or description of members, of such Body Corporate, now stands seised or possessed for any estate or interest whatsoever of any hereditaments, or any sums of money, chattels, securities for money, or any other personal estate whatsoever, in whole or in part, in trust or for the benefit of any charitable uses or trusts whatsoever, all the estate, right, interest and title, and all the powers of such Trustee or Trustees, shall, on the day on which this Act shall come into operation in any such Borough, be vested in the persons who shall on the same day have been the Mayor, Aldermen and Common Council or other governing Officers of such Body Corporate, alone or together with the person or persons who shall have been seised or possessed of or entitled to exercise the same together with such Body Corporate (as the case may be), and shall continue vested in such persons until the First day of May in the year next after this Act shall come into operation in that Borough, or until Parliament shall sooner otherwise order; and if any vacancy shall be occasioned among such Charitable Trustees for any Borough before any other provision shall be made by Parliament, it shall be lawful for the Lord Chancellor of Ireland, or Lords Commissioners for the Custody of the Great Seal, then for the time being, upon petition in a summary way, to appoint a fit person to be Trustee to supply such vacancy; and all the estate,

86.
Charitable
Trustees.

right, interest and title at law and in equity of and in such trust estates, hereditaments and premises, shall forthwith, without any conveyance or assignment thereof, pass to and be vested in the Trustee so appointed, jointly with the other Trustee or Trustees; and if Parliament shall not otherwise direct on or before the said First day of May, the Lord Chancellor of Ireland or Lords Commissioners of the Great Seal then shall make such orders as he or they shall see fit for the appointment of a Trustee or Trustees, and the administration of such trust estate, subject to such charitable uses or trusts as aforesaid; and thereupon the Trustee or Trustees so appointed shall come in the room of the persons heretofore named or continued as Trustees, and all the estate, right, interest and title at law and in equity of and in such trust estates, hereditaments and premises shall forthwith, without any conveyance or assignment thereof, pass to and be vested in the Trustees so appointed by the Lord Chancellor or Lords Commissioners of the Great Seal: Provided always, That where any hereditaments or any sums of money, debts or securities for money, or any other personal estate, held upon any charitable uses or trusts as aforesaid, or any part thereof, shall be exclusively applicable to or towards the establishment, maintenance or support of religious education or religious worship according to the principles of the Protestant Church of the United Kingdom of Great Britain and Ireland, no person except a member of the said United Church, shall be appointed by the Lord Chancellor or Lords Commissioners for the Custody of the Great Seal to be a Trustee of such hereditaments or personal estate, or any part thereof: Provided always, That no use or trust for cleansing, lighting, paving or supplying with water any city, town or borough shall be deemed a charitable use or trust within the meaning of this enactment.

87.
As to election
of a limited
number of
Councillors to
be joint Trustees
for certain
purposes.

And he it Enacted, That from and after the time when this Act shall come into operation in any Borough named in the said Schedule (A.) in which any member of the Body Corporate, or any person elected from among or out of the members of such Body Corporate, or any person elected by such Body Corporate, or a particular or limited number, class or description of members of the Body Corporate, shall be, when this Act shall so come into operation, Trustee solely or jointly with any other Trustee for the execution of any Act of Parliament, or of any trust other than any act or trust for which any other provision is hereinbefore made, or by any statute, charter, bye-law, or custom, shall be when this Act shall so come into operation lawfully appointed to or authorized to exercise any powers, duties, or functions whatsoever not otherwise herein provided for, and the continuance of which is not inconsistent with the provisions of this Act, such acts, trusts, powers, duties and functions shall,

shall, after this Act shall have come into operation, be executed by the person who shall hereafter correspond in office with the person by whom the same ought to be executed, before this Act shall come into operation; and in case there shall be no such person, then the Council of the Body Corporate shall, by writing under the seal of the Body Corporate, appoint the person who in their judgment shall most nearly correspond with such person, to execute such acts, trusts, powers, duties and functions; and every person so appointed is hereby authorized and empowered to execute the same as fully as the person by whom the same ought to be executed, before this Act shall come into operation, until the appointment of another person in his room, as hereinafter provided.

88.

Provision for
the Election of
future Trust-
tees.

And be it Enacted, That in every case in which any such person as aforesaid is, in pursuance of any such statute, charter, bye-law, custom, deed, will, or otherwise, elected or appointed for a definite term of years or other shorter term, then on the day or time named in such Act, charter, bye-law, deed or will as last aforesaid for a new election, nomination or appointment of Trustees, or on which such new election, nomination or appointment has usually been made; and if he shall have been so elected or appointed for life or for an indefinite period, or if there shall be no such day named or usually observed, then upon the first day of January in every year, some other person, or the same if re-eligible, shall be elected as nearly as may be in the like manner as the person ceasing to be Trustee, or ceasing to exercise such powers, duties and functions, and in whose room he shall be appointed, and in every case of extraordinary vacancy among such Trustees or persons, another person shall be elected to supply such vacancy in like manner as nearly as may be as such extraordinary vacancy would have been supplied before this Act shall have so come into operation as aforesaid; or where such vacancy cannot be supplied in such or the like manner, the Council shall forthwith appoint a person in the room of the person by whom such vacancy has been made, and every person appointed to supply an extraordinary vacancy shall hold his trust or office for such time as the person by whom such vacancy has been made would regularly have held it.

89.

Provision
Trustees of
certain Acts
continued for
a definite
time.

And be it Enacted, That notwithstanding any thing in this Act contained, every member of any Body Corporate or of any particular number, class or description of members of such Body Corporate, or any person elected from among or out of the members of such Body Corporate or any of them, or any person elected by any particular number, class or description of members of such Body Corporate, who at the time of the passing of this Act shall be for a definite number of years or other shorter time a Trustee of such acts or trusts as last aforesaid, shall continue to be such

Trustee until the time when he would have ceased to be such Trustee if this Act had not been passed; and if a Trustee for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such Body Corporate, then until the First day of January in the year following that in which this Act shall come into operation in that Borough, and no longer; and every member of the Council appointed under the provisions of this Act to be a Trustee of such acts or trusts as last aforesaid, shall continue to be such Trustee until the time herein provided for the new appointment of a member of the Council to be Trustee in his room, notwithstanding that he may have ceased to be a member of the Council; and in case any particular officer of any of the said Bodies Corporate shall have been appointed by any Act, charter, bye-law, deed, will or custom as aforesaid, to perform during a definite number of years or other shorter time any specific trusts, powers, duties or functions whatsoever, the person who at the time of the passing of this Act shall be the person designated and qualified to perform the same, shall continue to perform the same until the time when he would have ceased to perform the same if this Act had not passed; and if appointed for an indefinite time, or for life, or for so long as he shall be a member, or of a particular class or description of such Body Corporate, then until the last-named First day of January, and no longer.

90.
Powers
vested in
Trustees may
be transferred
to Council-
lers.

AND wheress it may be expedient that the Powers now vested in the Trustees appointed under sundry Acts of Parliament for paving or lighting or cleansing, or supplying with Water, or improving certain Boroughs, or certain parts thereof, save and except as hereinafter mentioned, should be transferred to and vested in the Councils of such Boroughs respectively; BE it Enacted, That the Trustees appointed by virtue of any such Act as last aforesaid, wherein the Trustees, or the persons whose Trustees they may be, are not beneficially interested, may, if it shall seem to them expedient at a Meeting to be called for that purpose, transfer in writing all the powers vested in them as such Trustees by any such Act or Acts as aforesaid to the said Body Corporate of such Borough; and the said Body Corporate of such Borough shall thenceforth be Trustees for executing by the Council of such Borough the several powers and provisions of any such Act or Acts of Parliament, and the members of the Council shall have the same powers and be subject to the same duties as if their names had been originally inserted in such Act or Acts (or as if they had been elected under the provisions of any such Act or Acts) as such Trustees respectively: Provided always, That nothing herein contained shall extend to enable the Commissioners for paving, cleansing and lighting the streets of Dublin, or the Commissioners for making wide and convenient streets

streets in the City of Dublin, or the Corporation for improving the Port and Harbour of Dublin, so to transfer the powers vested in them respectively.

AND whereas by an Act passed in the sixth year of the reign of his said late Majesty, intituled, "An Act to consolidate the Laws relating to the Constabulary Force in Ireland," it is among other things enacted, that it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland to appoint from time to time, at his will and pleasure, in and for each barony, half of barony, or other division of barony in each county at large, one Chief Constable, two Head Constables, and any number of Constables and Sub-constables not exceeding Sixteen: AND whereas the force thereby provided is less than may in some cases be required in Baronies which comprise large Towns: AND whereas it is reasonable that the expense of the additional Force required in such Towns should be borne by such Towns, and not by the Counties at large in which they are situated; BE it therefore Enacted, That if any Council of any Borough named in the Schedule (A.) to this Act annexed shall think it necessary that an additional Constabulary Force should be stationed in such Borough above the proportion of the said Force therein stationed under the provisions of the said last-recited Act, it shall be lawful for the Council of such Borough to present a Memorial to the Lord Lieutenant, setting forth the additional Constabulary Force which is required for the said Borough; and thereupon it shall be lawful for the Lord Lieutenant to add to the Constabulary Force of the County or Counties wherein such Borough shall be situated any such number of Constables, Sub-constables and Officers of the said Force, not exceeding the number required by the said Council in their Memorial, as he shall think fit; and the amount of the Constabulary Force stationed in the said Borough shall be increased accordingly, and such additional Force shall form part of the general Constabulary Force, and be subject in all respects to the same rules and discipline as the residue of the said Force.

91.
Provision for
additional
Constabulary
Force.

92.
Payment of
the additional
Constabulary
Force.

And be it Enacted, That the expense of the said additional Force shall be advanced and defrayed in like manner as the expenses of the Force appointed by the last-recited Act are to be advanced and defrayed: Provided however, That no part of the expense of such increased Force shall be borne by the County or Counties at large in which such Borough shall be situated; but the said Borough for whose service the said increase shall be made shall bear such proportion of such expenses as the Counties at large under the said last-recited Act are bound to contribute towards the expenses of the Constabulary Force appointed for this service; and such expenses

shall be paid out of the Borough Fund, and shall be paid by the Treasurer of the Borough to the person authorized to receive the monies which the County at large in which such Borough shall be situated is liable to pay towards the expenses of the said Force; and when any such Borough shall be situated in more than one County, then the Treasurer shall pay the said sums to such of the persons authorized to receive such payments from any of the said Counties as the Inspector-general of the Constabulary Force shall direct: Provided always, That it shall be lawful for the Lord Lieutenant, at any time he shall think fit, to reduce, either in the whole or part, the said additional Force; and it shall be also lawful for the Council of the said Borough in which such additional Force shall have been stationed to present from time to time a Memorial to the Lord Lieutenant, stating that they are desirous that the said Force should be reduced in the whole or in part, and thereupon the Lord Lieutenant shall, within Twelve calendar Months from the presentation of the said Memorial, make the required reduction in the said Force.

93.
Power for
Council to
order parts
of Borough,
not within
Local Acts as
to lighting, to
be included in
such Act.

AND whereas parts of certain Boroughs are within the provisions of one or more Local Act or Acts for regulating the lighting thereof, and certain other parts of the same Boroughs are not within the provisions of any Local Act for regulating the lighting thereof, and for want of such lighting great facilities may be afforded for the commission of crimes and for the escape of the offenders; FOR Remedy thereof, BE it Enacted, That it shall be lawful for the Council of any Borough in any part of which there is a Local Act for the lighting thereof, to make an order that any part of such Borough, not being within the provisions of any Local Act for the lighting thereof, shall, from and after a certain day to be named in such order, be taken to be within the provisions of such Local Act or Acts for lighting any part of such Borough as the Council shall specify in such order; and after such day the part named in such order shall be within the provisions of the Act or Acts so specified, so far as relates to lighting, or to any rates authorized to be levied for the purpose of lighting, as fully as if such part had been originally named in such Act or Acts, any thing in such Act or Acts to the contrary notwithstanding: Provided always, That every part named in such order shall be lighted in the like manner as those parts which before the making of such order were within the provisions of such Local Act, and that the Rate to be raised for the purpose of defraying the expenses of lighting any part so named in such order shall not exceed the average expense in the pound of the lighting of the other parts of such Borough.

Proviso as to
Amount of
Rate for
Lighting.

And

And be it Enacted, That the Council of any Borough named in the said Schedule (A.) shall have and exercise on the First day of January next after this Act shall come into operation in such Borough the Powers given to the Commissioners under an Act made in the ninth year of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act to make Provision for the lighting, cleansing and watching of Cities, Towns Corporate, and Market Towns in Ireland, in certain cases," so far as relates to the lighting of any part of such Borough which is not within the provisions of any Local Act for lighting the same, and the powers and duties vested in such Commissioners (if any) in regard to lighting shall thereupon cease and determine: Provided always, That the appeal given by the said Act to any person who may think himself aggrieved by any rate laid for the purpose of lighting, shall not be to the Council, but in like manner as appeals against the Borough Rate hereinafter mentioned.

94.
Council may exercise the powers of Commissioners under 9 G. 4. c. 82, for paving, lighting or cleansing Streets of any Borough.

And be it Enacted, That it shall be lawful for the Council of any Borough to make such Bye Laws as to them shall seem meet for the good rule and government of the Borough, and for prevention and suppression of all nuisances as are not already punishable under any Act already in force throughout such Borough, and to appoint by such Bye Laws such fines as they shall deem necessary for the prevention and suppression of such offences: Provided, That no fine so to be appointed shall exceed the sum of Five Pounds, and that no such Bye Law shall be made unless at least Two-thirds of the whole number of the Council shall be present: Provided also, That no such Bye Law shall be of any force until the expiration of Forty Days after the same or a copy thereof shall have been sent, sealed with the Seal of the said Borough, to the Lord Lieutenant, and shall have been affixed on the outer door of the Town Hall, or in some other public place within such Borough; and if at any time within the said period of Forty Days the Lord Lieutenant, with the advice of the Privy Council of Ireland, shall disallow the same Bye Law, or any part thereof, such Bye Law, or the part thereof disallowed, shall not come into operation: Provided also, That it shall be lawful for the Lord Lieutenant at any time within the said period of Forty Days to enlarge the time within which such Bye Laws, if disallowed, shall not come into force, and no such Bye Law shall in that case come into force until after the expiration of such enlarged time.

95.
Council to have power to make Bye-laws.

And be it Enacted, That the Town Clerk of every Borough shall, under the directions of the Council thereof, cause all the Bye Laws and Regulations in force in such Borough from time to time to

96.
Bye-laws to be printed.

be printed in a uniform and convenient form, and shall keep copies thereof publicly affixed in the office of such Town Clerk, and in every public office and Court of such Borough of or belonging to or connected with the Corporation thereof, for the free and open inspection of all persons, without any fee, at all reasonable hours, and shall deliver a copy of such Bye Laws and Regulations to any person requiring the same, on payment of such reasonable price for the same as the Council shall from time to time direct; and if any person shall wilfully and maliciously pull down, destroy or deface any copy of such Bye Laws and Regulations which shall be so affixed as aforesaid, such person shall for every such offence forfeit and pay any sum not exceeding Twenty Shillings: Provided further, That no Bye Law to be made by the Council of the Boroughs of Coleraine and Londonderry respectively shall be sent to the Lord Lieutenant until the same shall have been approved of by the Honourable Society of the Governor and Assistants of London of the New Plantation in Ulster within the Realm of Ireland.

97.
As to breaches
of Bye-laws.

And be it Enacted, That all the provisions hereinafter contained relative to offences against this Act, punishable upon summary conviction, shall be taken to apply to all offences committed in breach of any Bye Law or Regulation made by virtue of this Act.

98.
All Corporate
Property and
all Fines to
be received
on account of
the Borough
Fund.

And be it Enacted, That after the election of the Treasurer in any Borough, the rents, issues and profits of all hereditaments, estates and tenements, and the interest, dividends and annual proceeds of all monies, dues, chattels and valuable securities, except those vested or continued in other Trustees as aforesaid, belonging or payable to any Body Corporate named in conjunction with the said Borough in the said Schedule (A.), or to any member or officer thereof in his corporate capacity, and every fine or penalty for any offence against this Act (the application of which has not been herein provided for) shall be paid to the Treasurer of such Borough; and all the monies which he shall so receive shall be carried by him to the account of a fund to be called "The Borough Fund."

99.
Treasurer to
pay no Money
but by Order
of Council.

And be it Enacted, That the Treasurer of any Borough named in the said Schedule (A.) shall pay no money on account of the Mayor, Aldermen and Burgesses of such Borough, save only in such case as is provided by this Act, or upon the order in writing of the Council, signed by Three or more Members of the Council, and countersigned by the Town Clerk of such Borough, or for the payment of the salaries granted to any Recorder or Police Magistrate as hereinafter provided, or by order of the Court of Sessions of the Peace for the Borough, or of a Justice of the Peace acting in and for

for the Borough in the discharge of his judicial duty, in such case as is provided by this Act, or in such case as a Court of Sessions of the Peace for any County, or a Justice of the Peace acting in and for a County in the discharge of his judicial duty, may make an order for the payment of money on the Treasurer of such County, and that of any such order any Burgess shall be at liberty at all reasonable times to make a copy or take an extract therefrom.

AND whereas it is expedient to give all persons interested in the Borough Fund of any Borough a more direct and easy remedy for any misapplication of such Fund; BE it therefore Enacted, That any order of the Council of any Borough named in the said Schedule (A.) for the payment of any sum of money from or out of the Borough Fund of any such Borough may be removed into the Court of Queen's Bench by Writ of Certiorari, to be moved for according to the usual practice of the said Court with respect to Writs of Certiorari, and that such order may be disallowed or confirmed upon motion and hearing, with costs, according to the judgment and discretion of the said Court.

100.
Orders for
payment of
Money may
be removed
into the Court
of Queen's
Bench by
certiorari.

And be it Enacted, That the Borough Fund, subject to the payment of any lawful debt due from such Body Corporate to any person which shall have been contracted before the passing of this Act, and unredeemed, or of so much thereof as the Council of such Borough from time to time shall be required or shall deem it expedient to redeem, and to the payment from time to time of the interest of so much thereof as shall remain unredeemed, and saving all rights, interests, claims or demands of all persons or Bodies Corporate in or upon the real or personal estate of any Body Corporate, by virtue of any proceedings either at law or in equity, which have been already instituted or which may be hereafter instituted, or by virtue of any mortgage or otherwise, shall be applied towards the following purposes; (that is to say) the payment of the salary of the Mayor and of the Recorder and of the Police Magistrate hereinafter mentioned, when there is a Recorder or Police Magistrate, and of the respective salaries of the Town Clerk and Treasurer, and of every other Officer whom the Council shall appoint, and also toward the payment of the expenses incurred from time to time in preparing and printing burgess rolls and notices, and in other matters attending such elections as are herein mentioned; and in Boroughs which shall have a separate Court of Sessions of the Peace, as is hereinafter provided, towards the expenses of the prosecution, maintenance and punishment of offenders committed from the Borough for trial at the Sessions of the Peace for such Borough; and towards the expense of providing and maintaining the Corporate Buildings; and towards the pay-

101.
Salaries of
Recorder,
Town Clerk
Treasurer,
and other
Officers and
Election Ex-
penses to be
paid out of
such Fund.

ment of all other expenses which shall be necessarily incurred in carrying into effect the provisions of this Act; and in case the Borough Fund shall be more than sufficient for the purposes aforesaid, the surplus thereof shall be applied, under the direction of the Council, for the public benefit of the inhabitants and improvement of the Borough; and no Grand Jury Presentment shall be made, and no Grand Jury Cess shall be levied, for the purpose of defraying any expense hereby charged upon the Borough Fund.

102.
Tolls or Dues payable before the passing of this Act not to be altered or reduced until payment of the Debt chargeable thereon.

Provided always, and be it Enacted, That it shall not be lawful for the Council to be elected under the provisions of this Act in any Borough in which the Body Corporate named in conjunction with the said Borough in the said Schedule (A.) before the time of the passing of this Act, shall have contracted any lawful debt lawfully chargeable on any tolls or dues belonging or payable to the said Body Corporate, or to any member or officer thereof in his corporate capacity, or towards the satisfaction whereof such tolls or dues or any part thereof were lawfully applicable before the passing of this Act, to alter or reduce the amount to be levied and payable of such tolls or dues, or to grant for any consideration any remission of or exemption from such tolls or dues, or any part thereof, unless with the consent in writing under the hands of a majority in number and amount of the creditors to whom such debt is due, until after such debt and all arrears of interest due thereon shall have been fully paid and satisfied.

103.
Council authorized to raise Funds for payment of Expenses incurred in carrying this Act into execution.

And be it Enacted, That in case, after payment of all debts due from such Body Corporate, and contracted before the passing of this Act, and after satisfaction of all lawful claims upon the real and personal estate of such Body Corporate, the Borough Fund shall not be sufficient for the purposes aforesaid, or in case there shall be no Borough Fund, the Council of the Borough is hereby authorized and required from time to time to estimate, as correctly as may be, what amount, in addition to such fund, or when there shall be no such fund, will be sufficient for the payment of the expenses to be incurred in carrying into effect the provisions of this Act; and in order to raise the amount so estimated, and also for the purpose of defraying the expenses of putting this Act into execution which may have been incurred before the making of any Borough Rate, the said Council is hereby authorized and required from time to time to order a Borough Rate to be made within their Borough, and for that purpose the Council of such Borough shall have within their Borough all the powers and authorities which any Commissioners in any Borough in Ireland have within the limits of their Commission by virtue of the said last-recited Act of the ninth year of the reign of his Majesty King GEORGE the Fourth, and shall observe and preserve the

the provisions thereof as if the same were herein recited, or as near thereto as the nature of the case will admit.

And be it Enacted, That if any person shall think that any estimate or valuation made for levying any rate for the purposes of this Act is erroneous, either as being an excessive estimate of property belonging to him, or an insufficient estimate of property belonging to another, it shall be lawful for such person, at any time before the first day of February then next, to appeal against such estimate, and he shall in that case before that day deliver to the Town Clerk of such Borough a notice signed by him, specifying which of the said objections to such estimate he complains; and such appeal shall be heard and determined in every Borough in which there shall be a Recorder under this Act, by the Recorder of the Borough at the sitting of his court, held next after the expiration of Ten Days from the said first day of February; and when there shall be no such Recorder, it shall be heard and determined by the Assistant Barrister of the county having jurisdiction to hear and determine suits by civil bill for the district in which the property estimated shall be situated, at the sessions held for such district next after the expiration of the said Ten Days; and such Recorder or Barrister shall have power to award to or against the person appealing such costs, not exceeding Ten Shillings, as he shall think fit, and to issue a decree against the party appealing for any costs awarded against him, which shall have the force of a decree in a suit by civil bill, and, in case he shall award costs to be paid to him, to make an order on the Treasurer of such Borough to pay the sum out of the Borough rate, which order the said Treasurer shall obey, and the determination of such Recorder or Barrister shall be conclusive: Provided, however, That no such Recorder or Barrister shall entertain such appeal without proof that such notice as aforesaid was given: And provided also, That he shall not have power to inquire into any objection to such estimate, save the one specified in such notice; and that if such appeal shall not be prosecuted effectually by the person appealing, the estimate shall be taken to be conclusive, notwithstanding such notice.

And be it Enacted, That nothing in this Act contained shall be construed to render liable to the payment of any debt contracted before this Act shall come into operation in any Borough by any Body Corporate any part of the real or personal estate of the said Body Corporate which before this Act shall have so come into operation was not liable thereto, or to authorize the levy of any rate within any part of any Borough for the purpose of paying any Debt contracted before the passing of this Act, which before the passing of this Act could not lawfully be levied therein towards the payment of the same.

104.
Appeal to the Recorder or Assistant Barrister of the county.

105.
Act not to render Corporation Property liable for Debts not chargeable thereon, nor to authorize the levy of new Rates for payment of Debts.

106.
Accounts of
Receipts and
Disburse-
ments to be
kept, audited
and published.

And be it Enacted, That the Treasurer of every Borough named in the said Schedule (A.) shall, in Books to be kept for that purpose, enter true accounts of all sums of money by him received and paid on account of the purposes of this Act, and of the several matters for which such sums shall have been paid; and the books containing such accounts shall at all reasonable times be open to the inspection of the Mayor or any of the Aldermen or Councillors of such Borough; and it shall be lawful for the Mayor or for any Alderman or Councillor, at all seasonable times, to make any copy of or take any extract from any such book; and all the accounts, with all vouchers and papers relating thereto, shall, in the months of March and September in every year, be submitted by the Treasurer of the Borough to the Auditors hereinbefore provided to be elected, and to such member of the Council as the Mayor shall name as a third Auditor, on the First day of March in every year, or in case of extraordinary vacancy within Ten Days next after such vacancy, for the purpose of being examined and audited, from the First day of September in the year preceding to the First day of March, and from the First day of March to the First day of September in the year in which the said Auditors were elected and named; and if the said accounts shall be found to be correct, the Auditors shall sign the same; and after such accounts shall have been so respectively examined and audited in the month of September in every year, each Treasurer shall make out in writing, and shall cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the Rate-payers of such Borough, and copies thereof shall be delivered to all Rate-payers of such Borough applying for the same, on payment of One Shilling for each copy.

107.
Remedy for
misappli-
cation of
Property.

AND whereas many of the said Municipal Corporations in Ireland have been and now are seized and possessed of or entitled to divers lands, tenements and hereditaments, and the same have been granted to them and ought to be vested in them for the public benefit of the said Boroughs respectively; and it is expedient to make further provision than now by law exists for preventing or remedying the waste and misapplication of such property, and of all other property which may hereafter be so granted to or acquired by Municipal Corporations for municipal purposes; BE it Enacted, That in case of waste or misapplication of any such property, or of any breach of trust in respect thereof, or wherever the direction, decree or order of a court of equity shall be deemed necessary for the due administration and application of any such property, it shall be lawful for Her Majesty's Attorney General for Ireland, or for any Two or more Burgesses of such Borough, to present a petition to the Court of Chancery, or to the Court of Exchequer in Ireland, stating such complaint,

plaint, and praying such relief as the nature of the case may require ;
 and it shall be lawful for the Lord Chancellor, Lord Keeper or Lords
 Commissioners of the Great Seal, or the Master of the Rolls, for the
 time being, and for the Court of Exchequer, and they are hereby
 5 required to hear such petition in a summary way, and to direct all
 such persons as they shall consider necessary to answer to same, and
 if necessary to issue a commission for the examination of witnesses,
 and on their depositions, or upon affidavits or such other evidence
 as shall be produced upon such hearing, to determine the same, and
 10 to give such relief and make such order therein, and with respect to
 the costs of such application, and to enforce the same by injunction
 or otherwise, as to him or them shall seem just ; and such order shall
 be final and conclusive, unless the party or parties who shall think
 himself or themselves aggrieved thereby shall, within Two Years from
 15 the time when such order shall have been passed and entered by the
 proper officer, have preferred an appeal from such decision to the
 House of Lords, to whom it is hereby declared and enacted that an
 appeal shall lie from such order.

And be it Enacted, That neither the petitions, nor any pro-
 20 ceedings upon the same or relative thereto, nor the copies of any such
 petitions or proceedings, shall be subject or liable to the payment of
 any stamp duty, charge for Chancery or other Court Fund, or other
 public charge whatever, save only the actual expense of making a
 copy when any copy shall be required from any of such courts.

108.
 Proceedings
 not liable to
 Stamp Duty.

And be it Enacted, That it shall not be lawful for any Body
 Corporate of any Borough named in the said Schedule (A.), at any
 time after the passing of this Act, to sell, mortgage or alienate the
 lands, tenements and hereditaments of the said Body Corporate,
 or any part thereof, except in pursuance of some covenant or con-
 30 tract or agreement bonâ fide made or entered into on or before the
 Fifth day of June in the year One thousand eight hundred and
 Thirty-five, by or on behalf of the Body Corporate of any Borough,
 or of some Resolution duly entered in the Corporation Books of such
 Body Corporate on or before the said Fifth day of June, or to
 35 demise or lease, except in pursuance of some covenant, contract or
 agreement bonâ fide made or entered into on or before the said Fifth
 day of June by or on behalf of such Body Corporate, or in pursuance
 of some resolution duly entered in the Corporation Books of such
 Body Corporate on or before the said Fifth day of June, except in
 40 the cases hereinafter mentioned, any lands, tenements or here-
 ditaments of such Body Corporate, or any part thereof, or to
 enter into any new contract or agreement, except in the cases
 hereinafter mentioned, for demising or leasing the said lands,
 tenements and hereditaments, or any part thereof, for any term

109.
 Power of sale
 and leasing
 restrained.

exceeding Thirty-one Years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every lease which the said Council is not hereby restrained from making there shall be reserved and made payable, except in the cases hereinafter mentioned, during the whole of the term thereby granted, such clear yearly rent as to the Council shall appear reasonable, without taking any fine for the same.

110.
Provision in
certain cases
of leasing.

Provided always, and be it Enacted, That in all cases in which any Body Corporate shall on the Fifth day of June in the year One thousand eight hundred and Thirty-five have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will or other document, or have been sanctioned or warranted by ancient usage, or by custom or practice, to make any renewal of any lease for years, or for life or lives, or for years determinable with any life or lives, at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives, at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any Body Corporate shall theretofore have ordinarily made renewal of any lease for years or for life or lives, or for years determinable with any life or lives, at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for the Council of such Borough to renew such lease for such term or number of years, either absolutely or determinable with any life or lives, or for such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, and with or without any covenant for the future renewal thereof, as such Body Corporate could or might have done in case this Act had not been passed

111.
Commissioners of
Treasury may
authorize
other disposi-
tions.

And be it Enacted, That in every case in which such Council shall deem it expedient to sell and alienate, or to demise and lease for a longer term than Thirty-one Years, or upon different terms and conditions than those hereinbefore mentioned, any of the said lands, tenements or hereditaments, it shall be lawful for such Council to represent the circumstances of the case to the Commissioners of Her Majesty's Treasury; and it shall be lawful for such Council, with the approbation of the said Commissioners or any Three of them, to sell, alienate and demise any of the lands, tenements and hereditaments of the said Body Corporate in such manner and on such terms and conditions as shall have been approved by the said Commissioners: Provided always, That notice of the

the intention of the Council to make such application as aforesaid shall be fixed on the outer door of the Town Hall, or in some public or conspicuous place within the Borough, One calendar Month at least before such application; and a copy of the Memorial intended to be sent to the said Commissioners shall be kept in the Town Clerk's office during such calendar month, and shall be freely open to the inspection of every Burgess at all reasonable hours during the same.

Provided nevertheless, and be it Enacted, That in any of the instances hereinafter mentioned, it shall be lawful for the Council from time to time to demise and lease, or to enter into any contract or agreement for demising and leasing, either at a reserved rent or fine, or both, as the Council shall think fit, any of the said lands, tenements or hereditaments to any person, body politic, corporate or collegiate, for any term not exceeding Seventy-five Years from the time of making such lease or agreement; (that is to say) of tenements or hereditaments the greater part of the yearly value of which shall at the time of making the lease or agreement consist of any building or buildings, of land or ground proper for the erection of any houses or other buildings thereupon, with or without gardens, yards, curtilages or other appurtenances to be used therewith; and where the lessee or intended lessee shall covenant or agree to erect a building or buildings thereon of greater yearly value than such land or ground, or land or ground proper for gardens, yards, curtilages or other appurtenances, to be used with any other house or other building erected or to be erected on any ground, belonging either to such Body Corporate or to any other proprietor, or proper for any other purpose calculated to afford convenience or accommodation to the occupiers of any such house or building.

And be it Enacted, That it shall be lawful for the Council first to be elected in any Borough under the provisions of this Act to call in question all purchases, sales, leases and demises not made in pursuance of some such bonâ fide covenant, contract, agreement or resolution made and entered into as aforesaid before the said Fifth day of June, and all contracts for the purchase, sale, lease or demise of any lands, tenements and hereditaments, and all divisions and appropriations of the monies, goods and valuable securities, or any part of the real or personal estate, of which on or before the said Fifth day of June the Body Corporate of which they are the Council, whether in their own right or as Trustees for charitable or other purposes, was seized or possessed, which shall have been made or contracted between the said Fifth day of June and the day of the declaration of their election; and for that purpose, if it shall

112.
Leases of certain Buildings, and of Ground for building on, or for making Gardens, &c. may be made for Seventy-five Years.

113.
Collusive Purchases, Sales and Demises of Corporate Property since the 5th June 1832, for which consideration, may be set aside.

appear to the said Council that there is ground for believing that any such purchase, sale, lease or demise, or such contract or such division or appropriation of the premises, was collusively made for no consideration, or for an inadequate consideration, it shall be lawful for the Council of such Borough, at any time within Six calendar Months next after the first Election of Councillors under this Act shall have been declared in such Borough, upon notice of their intention being first given in the Dublin Gazette, and also affixed on the outer door of the Town-hall or in some public place within the Borough, to cause the value of the lands, tenements, hereditaments and premises in question to be inquired of and found by a Jury of Twelve indifferent men of the County in which or adjoining to which in the case of all Counties of Cities and Towns Corporate, such lands, tenements, hereditaments or premises do lie.

114.
Proceedings
before the
Jury.

And be it Enacted, That the Council shall be empowered to summon and call before such Jury all persons having the custody and possession of any deed or agreement concerning the said lands, tenements, hereditaments and premises made or entered into since the said Fifth day of June, and to cause all such deeds and agreements to be produced before the said Jury, and examined by them, and to examine upon oath every person who shall be thought necessary to be examined (which oath the Mayor is hereby empowered to administer); and the Council shall, by ordering a view or otherwise, use all lawful means for the information as well of themselves as of the said Jury in the premises; and the Jury shall find the value of the said lands, tenements, hereditaments and premises, and the consideration which shall have been given, and also that which ought of right to have been given, for the purchase, sale, lease, demise or appropriation thereof, according to the terms of such purchase, sale, lease, demise, contract or appropriation, and taking into account all the circumstances under which the same shall have taken place; and if the Jury by their oaths shall find that no consideration, or a consideration less than that which they shall have so found to be the value which ought therefor to have been given, shall have been collusively given or contracted to be given by the terms of any such purchase, sale, lease, demise, contract or appropriation, the party to such purchase, sale, lease, demise, contract or appropriation shall have his option either to re-convey and restore the lands, tenements, hereditaments and premises in question, and to abandon the contract to which he shall have been party, upon receipt in each case of the consideration, if any, which he shall have given for the same, or to give in each case such additional consideration, so that the whole consideration given shall be that which ought of right to have been given so found by the Jury as aforesaid; and in every such case as

last

last aforesaid, the additional consideration given or to be given shall be indorsed on the original deed or conveyance, and unless he shall so do within One calendar Month next after the finding of the Jury, every such purchase, sale, lease, demise, contract and conveyance shall be absolutely void and of none effect as against the said body corporate and their successors; and in every case in which any such contract shall have been abandoned as aforesaid, or in which any such purchase, sale, lease, demise, contract or conveyance shall become void and of none effect, under the provisions of this Act, the party who would otherwise have had the benefit of the same shall be remitted to his former estate, title and interest (if any) in the premises as if no such contract, purchase, sale, lease or demise had been made or entered into; and for summoning and returning such Juries, and for imposing fines on the Sheriff, his deputy, bailiff or agent, and on the persons summoned and returned on the said Jury, and on any person required to give evidence, who shall in this behalf contravene the provisions of this Act, the Council of every such Borough shall have all the powers which the Superior Courts of Record in Dublin have; and all the costs of the said Jury, and of all witnesses tendered by the said Council to be examined before the said Jury, shall in every case be borne by the Council, and paid out of the Borough Fund.

Provided nevertheless, and be it Enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, if he or they shall think fit, by the advice of the Privy Council, upon petition to him or them setting forth the special circumstances under which any purchase, sale, lease, demise, contract, or appropriation of any of the said lands, tenements, hereditaments, and premises shall have been made since the Fifth day of June, to order that the same shall not be called in question under the provisions of this Act; and in such case as last aforesaid the same shall not be called in question or set aside or affected under the provisions of this Act; and in every case in which such petition shall have been presented it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being, if he or they shall think fit, to enlarge the time within which (in case he or they shall not think fit to make such order as aforesaid) the Council may have power as aforesaid to call in question any purchase, sale, lease, demise, contract, or appropriation referred to in such petition.

And be it Enacted, That nothing herein contained shall be construed to give or shall give any effect or validity to any sale, demise or other disposition of or any agreement relating to any lands, tenements,

115.
Lord Lieutenant may direct special cases not to be questioned.

116.
This Act not to give validity to any disposition of Lands.

ments, hereditaments, or other property which at any time belonged to any Corporate Body, but that the validity of such agreement, sale, demise or other disposition shall be liable to be questioned in any Court of Law or Equity by the Council of the Borough, or any Burgess or Freeman or other person, as fully as if this Act had not been passed.

117.
Sale of Advowsons, &c.

And be it Enacted, That in every case in which a Body Corporate, or any particular class, number or description of members, or the governing Body of any Body Corporate, now is or are in their corporate capacity, and not as charitable trustees, according to the meaning and provisions of this Act, seized or possessed of any manors, lands, tenements or hereditaments whomeunto any Advowson or right of nomination or presentation to any Benefice or Ecclesiastical Preferment is appendant or appurtenant, or of any Advowson in gross, or hath or have any right or title to nominate or present to any Benefice or Ecclesiastical Preferment, every such Advowson, and every such right of nomination and presentation shall be sold at such time and in such manner as the Ecclesiastical Commissioners for Ireland may direct, so that the best price may be obtained for the same; and it shall be lawful for the Council of such Body Corporate, and they are hereby authorized and required, with the consent of the said Commissioners, or any Three or more of them, in writing under their hands, to convey and assure, under the Common Seal of such Body Corporate, such Advowson or such right of nomination or presentation as aforesaid, to the purchaser or purchasers thereof respectively, his or their heirs, executors, administrators and assigns, or to such uses as he or they shall direct; and the proceeds of every such sale shall be paid to the Treasurer of the Borough, whose receipt shall be a sufficient and effectual discharge to the purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money; and it shall be lawful for the Council of such Borough to direct that such purchase money, or any part thereof, shall be applied towards the liquidation of any debt contracted before the passing of this Act by the Body Corporate now seized of or entitled to the property so sold, and if it shall not be so applied it shall be invested in Government securities for the use of the Body Corporate, and the annual interest payable thereon shall be carried to the account of the Borough Fund: Provided always, That in any case of vacancy arising before any such sale shall have taken place and been completed, such vacancy shall be supplied by the presentation or nomination of the Bishop or Ordinary of the diocese in which such Benefice or Ecclesiastical Preferment is situated.

And

118.
Certain Pro-
visions of
1 & 2 Vict.
c. 32, ex-
tended to
Ireland.

And be it Enacted, That the several provisions contained in an Act passed in the last Session of Parliament, intituled, "An Act for facilitating the Sale of Church Patronage belonging to Municipal Corporations in certain cases," shall, so far as the same are applicable, be extended to every right of nomination similarly circumstanced which shall at the time of passing this Act be vested in any Municipal Corporation in Ireland, or in any member of such Corporation in virtue of his office as such, and every such right of nomination shall become a Benefice Presentative, and the Curate or Minister presented thereto shall be a Body Politic and Corporate.

119.
Provision
respecting the
Warden and
Vicars Choral
of Galway.

Provided always, and be it Enacted, That the Body Corporate called "The Warden and Vicars Choral of the Royal College or Collegiate Church of Galway" shall continue in force unless and until the same shall be dissolved by the said Ecclesiastical Commissioners in manner hereinafter mentioned; and the Vicars Choral of the said College or Collegiate Church shall respectively continue to be such Vicars Choral during their respective lives, or until they respectively shall resign or be removed from such Benefices respectively, or the said College shall be dissolved in manner hereinafter mentioned; and that any resignation made by the said present Warden and Vicars Choral, or any of them, of their respective Benefices, to the Archbishop of Tuam for the time being, shall be valid and effectual; and the said Ecclesiastical Commissioners shall and they are hereby authorized and empowered, if they shall think proper, by any instrument in writing under their Corporate Seal, with the consent of the Lord Lieutenant and of Her Majesty's Privy Council in Ireland in Council assembled (Six at least consenting), and with the consent of the Archbishop of Tuam, to declare that the said College and Collegiate Church of Galway shall be dissolved upon the death, resignation or removal of the said present Warden; and that the Vicarage of Galway, the Vicarage of Mary, the Rectories of Rowes and Moccullen, the Rectory and Vicarage of Trowrammore, the Vicarage and Rectory of Roscam, the Vicarages of Clare and Kilcourn, the Vicarages of Shrome, in the diocese of Armagh, Tuam and the Vicarage of Skryen, in the diocese of Tuam, which now belong to the said College or Collegiate Church of Galway, shall thereupon be divided into such separate and distinct benefices or parishes as they shall think proper; and that the parcel of Tithes in the said Town of Galway, vulgarly called "The Bishop's Quarter," and the churches or churchyards and burial places, and other the revenues, tithes, profits and emoluments now belonging to the said College or Collegiate Church of Galway, shall be divided among and united to the said distinct parishes or benefices respectively as they shall direct; and that such persons as shall be Vicars Choral of the said College or Collegiate Church at the time of such

dissolution shall become the Incumbents of such of the said distinct parishes and benefices respectively as the said Ecclesiastical Commissioners shall thereby direct; and if such dissolution shall be made as aforesaid, the said College or Collegiate Church shall be dissolved upon the death, resignation or removal of the said present Warden; and the said Vicarages and Rectories shall thereupon become distinct benefices and parishes accordingly; and each of the persons who at the time of such dissolution shall be a Vicar Choral of the said College or Collegiate Church shall thereupon by virtue of this Act, and without any presentation, induction, institution or other ceremony, become Rector or Vicar of the distinct benefice or parish of which such Vicar Choral shall be directed as aforesaid to become the Rector or Vicar; and the advowson, right of presentation and nomination to the said offices of Warden and Vicar Choral of the said College or Collegiate Church of Galway, or in case the same shall be dissolved as aforesaid, the advowson or right of nomination or presentation to each of the distinct benefices or parishes into which the Rectories and Vicarages aforesaid shall be divided, shall be sold by the Council of Galway, with the consent of the said Ecclesiastical Commissioners, and the purchase-money shall be applied in like manner as in the case of any other advowson is hereby directed to be sold, and they are hereby empowered to make a valid grant and conveyance thereof to any purchaser or purchasers accordingly; and in case of the dissolution of the said College or Collegiate Church, all the Ecclesiastical Jurisdiction and powers belonging thereto, or to the Warden thereof, shall be and are hereby vested in the Archbishop of Tuam for the time being.

120.
Councils to
transmit
yearly Ac-
counts of
Income and
Expenditure
to Lord Lieut-
enant, and
an Abstract
thereof to be
laid before
Parliament.

And he it Enacted, That the Council of every such Borough in which this Act shall be in operation, and the Commissioners of every Town in which Commissioners shall be appointed by virtue of the provisions hereinafter contained shall, before the First day of February in each year, transmit to the Lord Lieutenant or Chief Governor, for the time being, of Ireland, a statement of all monies received and expended on account of such Corporation or Commissioners (as the case may be) within the year preceding, which statement shall be prepared in such form and manner as the Lord Lieutenant shall direct, and such accounts shall refer and be made up to the audit next before the First of January of the year in which such account is hereby required to be so transmitted; and an abstract of such statements and accounts, under general heads, shall be laid before both Houses of Parliament, during their sitting, in the same year in which they are hereby required to be transmitted as aforesaid.

And

And be it Enacted, That in each of the Counties of the Cities of
 Cork, Dublin, Kilkenny, Limerick and Waterford, and in the Coun-
 ties of the Towns of Carrickfergus, Drogheda and Galway, the
 Council shall name Three fit persons to the Lord Lieutenant, before
 the Twenty-ninth day of September in the year following the year
 in which this Act shall come into operation in each of the said
 Cities and Towns respectively, and in every succeeding year; and
 the Lord Lieutenant, if he think fit, may appoint One of the three
 persons so named to execute the office of Sheriff, or, instead of
 appointing any One of the three persons so first-named, the Lord
 Lieutenant, if he think fit, may require the Council to name to him
 Three other persons, and may, if he think proper, appoint One of
 the three persons so last named to him to execute the office of
 Sheriff, or in case the Council shall neglect or refuse to make either
 nomination as aforesaid, or in case the Lord Lieutenant shall dis-
 approve of all the six persons so named to him, it shall be lawful
 for the Lord Lieutenant to appoint a fit person to execute the office
 of Sheriff; and every person so appointed shall have the like duties
 and powers as the Sheriffs, or the persons filling the office of Sheriff,
 in the said Cities, Towns and Counties respectively would have had
 if this Act had not passed, and shall continue in his office for One
 whole year, from the Twenty-ninth day of September, unless
 removed by the Lord Lieutenants; and in case a vacancy shall be
 occasioned in the office of Sheriff of such Borough during each
 period, by the death of the person who shall have been appointed to
 such office, or his removal, another fit person shall be appointed in
 like manner to be the Sheriff, instead of the person so dying or
 removed, who shall hold such office for the period during which the
 person so dying, or, unless removed as aforesaid, would have held it;
 and so from time to time as occasion may require.

FR1.
 In Cities and
 Towns which
 are Counties,
 Sheriff to be
 appointed.

And be it Enacted, That every person who at the time when this
 Act shall come into operation in any of the said Cities or Towns
 shall hold the office or execute the duties of Sheriff in the said
 Counties of Cities and Towns respectively, shall hold and execute
 the same until the first appointment of a Sheriff therein under the
 provisions of this Act, and no longer: Provided always, That if
 when this Act shall come into operation in any of the said Counties
 of Cities or Towns there shall be a Sheriff elect, he shall come into
 office at the same period as if this Act had not passed, and shall
 hold his office until the appointment of a Sheriff in that City or
 Town under this Act: Provided also, That if this Act shall come
 into operation in any such City or Town more than One calendar
 Month before the Twenty-ninth day of September in any year, the
 Sheriff of the County of that City or Town shall be before the
 Twenty-ninth day of September in the same year, appointed by the

122.
 Provision for
 the continu-
 ance in office
 of existing
 Sheriffs.

Lord Lieutenant of Ireland, without any nomination by the Council being requisite as to the Sheriff so first appointed under this Act.

123.
The City and
County of
Londonderry
to be a
County, the
Sheriff of
which to be
nominated by
the Crown.

And be it Enacted, That after the passing of this Act a Sheriff of the County, named the City and County of Londonderry, shall be nominated and appointed by the Lord Lieutenant of Ireland, in the same manner to all intents and purposes as the Sheriff of any other County at large in Ireland is now nominated and appointed; and until the Sheriff first to be nominated and appointed for the said County of Londonderry under the provisions of this Act shall enter upon his office, the persons who at present fill the office of Sheriffs of the said City and County of Londonderry, or the survivor of them, shall be and remain the Sheriffs or Sheriff of the County of Londonderry, and shall fulfil and execute the duties of the said office.

124.
In certain
Boroughs
Council to
appoint a
Coroner.

And be it Enacted, That the Council of every Borough in which a separate Court of Quarter Sessions of the Peace shall be holden, as is hereinafter provided, shall, within Ten Days next after the grant of the said Court shall have been signified to the Council of such Borough, appoint a fit person, not being an Alderman or Councillor, to be Coroner of such Borough so long as he shall well behave himself in his office of Coroner, and shall fill up every vacancy in the office of Coroner of the Borough occurring by death, resignation or removal, within Ten Days next after such vacancy, and none thereafter shall take any inquisition which belongs to the office of Coroner within such Borough, save only the Coroner so from time to time to be appointed; and in each of the said Boroughs as are not Counties of Cities or Counties of Towns, every such Coroner, for every inquisition which he shall duly take within such Borough, shall be entitled to have the sum of Twenty Shillings, and also the sum of Nine-pence for every mile exceeding Two Miles which he shall be compelled to travel from his usual place of abode to take such Inquisition, to be paid by the Treasurer out of the Borough Fund of such Borough, by order of the Court of Quarter Sessions for such Borough: Provided always, That no person shall be elected as Coroner as aforesaid who shall not be seised or possessed of such an estate in some part of Ireland as would qualify him to serve as a Coroner for a County according to the Acts now in force in Ireland in relation to the office of Coroner; and every such person shall, before he acts as such Coroner, take and subscribe all oaths now required to be taken by a Coroner in Ireland, and shall be liable to be removed by the Court of Chancery in Ireland in the same manner as any Coroner in Ireland may now be removed by that Court.

And

And be it Enacted, That on or before the Tenth day of January in every year after the passing of this Act every Coroner appointed in any Borough shall make and transmit to the Lord Lieutenant of Ireland a return in writing, according to such form as the said Lord Lieutenant from time to time shall direct, of all the cases in which he may have been called upon to hold an Inquest touching the cause of death of any person during the year ending on the Thirty-first day of December immediately preceding, and a copy of the finding of the Jury on every such Inquest.

125.
Coroners to make Returns to Lord Lieutenant.

And be it Enacted, That in every Borough in and for which no separate Court of Sessions of the Peace shall be holden, no person, after the First day of December next after the first election of Councillors under this Act in that Borough, shall take any Inquisition which belongs to the office of Coroner within such Borough, save only the Coroner for the County at large in which such Borough is situated; and in every Borough in which a Coroner shall not be elected and acting under this Act the Coroner for the County in which such Borough is situated, and in case of a County of a City or Town the Coroner of the adjoining County, or any of them, shall take any Inquisition which could be taken by a Coroner elected under this Act, and have all the powers and authorities of such Coroner; and such Coroners of Counties at large, and the Coroners of each County of a City and County of a Town, shall be entitled to be paid for the Inquisitions which they shall duly take as aforesaid in manner now provided for by law, and not otherwise.

126.
County Coroners to act in other Boroughs.

And be it Enacted, That in case of illness or unavoidable absence, the Coroner for the time being of any Borough, Town or City in Ireland shall be empowered and he is hereby required, by writing under his hand and seal, to appoint a fit person, being an Attorney of One of Her Majesty's Courts in Dublin, and not being an Alderman or Councillor of such Borough, Town or City, to act for him as Deputy Coroner during the illness or unavoidable absence of such Coroner, but no longer or otherwise: Provided always, That the Mayor or Two Justices of such Borough, Town or City shall on each occasion certify under their hands and seals the necessity for the appointment of such Deputy Coroner, and such certificate shall state the cause of absence of the Coroner, and shall be openly read to every Inquest Jury summoned by such Deputy Coroner, and the particulars of every Inquest holden before any Deputy Coroner shall be included in the return to be made by the Coroner to the Lord Lieutenant as herein provided.

127.
Coroners of Boroughs, in certain cases, may appoint Deputies.

128.
Commission
of Justices of
Peace to be
issued for cer-
tain Boroughs.

And be it Enacted, That it shall be lawful for Her Majesty from time to time to assign to so many persons as She shall think proper Her Majesty's commission to act as Justices of the Peace in and for each Borough, and in and for each of the Counties of Cities and Towns respectively named in the said Schedule (A.), to which Her Majesty may be pleased to grant a commission of the peace: Provided nevertheless, That every person so to be assigned shall reside within the Borough for which he shall be so assigned, or within Seven Miles of such Borough, or of some part thereof, during such time as he shall act as a Justice of the Peace in and for such Borough.

129.
Council may
make Bye-
laws on which
the Crown
may appoint
mixed
Justices.

And be it Enacted, That if the Council of any Borough named in the said Schedule (A.) shall think it requisite that a salaried Police Magistrate or Magistrates be appointed within such Borough, such Council is hereby empowered to make a Bye Law, fixing the amount of the salary which he or they are to receive in that behalf; and such Bye Law so made by any Council as aforesaid shall be transmitted to the Lord Lieutenant of Ireland, and the Lord Lieutenant thereupon shall be authorized to appoint so many fit persons as are specified in the said Bye Law (being Barristers-at-Law of not less than Six Years' standing) to be during Her Majesty's pleasure Police Magistrate or Magistrates and a Justice or Justices of the Peace for such Borough, and to direct that such sum shall be paid quarterly out of the Borough Fund of such Borough as will be sufficient to pay such yearly salary to each of the Justices so assigned as last aforesaid, not exceeding in the whole the salary mentioned in the prayer of such petition, clear of all fees or deductions, as to the Lord Lieutenant shall seem fit; and the Treasurer of such Borough shall thereupon pay to each Justice so assigned as last aforesaid, out of the Borough Fund of such Borough, the salary so directed to be paid, by Four equal quarterly payments, and in the same proportion up to the time of the death of such Justice, or his ceasing to act under such assignment as aforesaid: Provided, That in every case of vacancy of the office of Police Magistrate in any Borough aforesaid, no new appointment of Police Magistrate in such Borough shall be made until the Council shall again make application to the Lord Lieutenant in that behalf, and as in the case of the first appointment of a Police Magistrate in such Borough.

130.
Council to
provide a
Police Office.

And be it Enacted, That the Council of every Borough to which a separate Commission of the Peace shall be granted under the provisions of this Act shall be authorized and required to provide and furnish One or more fit and suitable Office or Offices, to be called "The Police Office" or Offices of the Borough, for the purpose of transacting the business of the Justices of the Borough, and to pay from

from time to time, out of the Borough Fund, such sums as may be necessary for providing, upholding and furnishing, and for the necessary expenses of such Police Office or Offices; and the Council of every such Borough shall, in case the Borough Fund shall not be sufficient, or in case there shall be no Borough Fund, have the power of including in and paying out of the Borough Rate of such Borough such sum as shall be required for providing, upholding and furnishing and for the necessary expenses of such Police Office or Offices; and no room in any house licensed as a victualling-house or alehouse shall be used for the purpose of any such Police Office.

And be it Enacted, That every person assigned to keep the peace within any Borough under the provisions of this Act, or any of them, shall, during the continuance of such assignment, execute the duties of a Justice of the Peace in and for the Borough for which he shall have been so assigned, although such person may not be a Burgess of the Borough in and for which he shall have been assigned, to act as a Justice of the Peace, and although he may not have such qualification by estate as is required by law in the case of other persons being Justices of the Peace for a County, so nevertheless that such person be not disqualified by law to act as a Justice of the Peace for any other cause or upon any other account than in respect of estate: Provided always, That no such person by any such assignment shall act as a Justice of the Peace at any Court of Gaol Delivery or General or Quarter Sessions.

131.
Justice need
not be qual-
ified by
Estate.

And be it Enacted, That every Summons for the appearance of any person, or Warrant to compel such appearance, or Warrant for the apprehension of any person charged with any offence, or Search Warrant issued by any Justice of the Peace acting in and for any Borough in any matter within his Jurisdiction, may be respectively served and executed within any County in which the said Borough shall be situated, or within any distance not exceeding Seven Miles from such Borough, and within such limits as aforesaid, shall have the same force and effect as if the same had been originally issued or subsequently indorsed by a Justice of the Peace having jurisdiction in the place where the same shall be served or executed, any law, statute, charter or usage to the contrary notwithstanding; and every such Summons and Warrant shall and may be lawfully served or executed within such limits as aforesaid by the Constable to whom the same shall be directed, or by any Constable or other Peace Officer of the County, Borough, Parish or Place in which the person named in such Summons or Warrant may be.

132.
How far
Summons
and Warrants
may be
served.

And be it Enacted, That it shall be lawful for the Justices of every Borough to which a separate Commission of the Peace shall be granted as aforesaid, at their first or any other meeting, and they

133.
Justices to
appoint a
Clerk, who
shall not be
the Town

Clerk or of the Council, nor be concerned in the prosecution of Offences committed by the Borough Justices.

are hereby respectively required, to appoint a fit person to be the Clerk to the Justices of such Borough, to be removable at their pleasure, and so as often as there shall be a vacancy in the said office of Clerk to the Justices by death, resignation, removal or otherwise: Provided, That it shall not be lawful for the said Justices to appoint or continue as such Clerk to the Justices any Alderman or Councillor of such Borough, or Clerk of the Peace of such Borough, or the partner of such Clerk of the Peace, or any clerk or person in the employ of such Clerk of the Peace: Provided also, That it shall not be lawful for the said Clerk to the Justices, by himself or his partner, to be directly or indirectly interested or employed in the prosecution of any offender committed for trial by the Justices of whom he shall be such Clerk as aforesaid, or any of them, at any Court of Gaol Delivery or General or Quarter Sessions; and any person being an Alderman or Councillor, or Clerk of the Peace of any Borough, or the partner or clerk or in the employ of such Clerk of the Peace, who shall act as Clerk to the Justices of such Borough, or shall otherwise offend in the premises, shall for every such offence forfeit and pay the sum of One hundred Pounds, one moiety thereof to the Treasurer of such Borough, to be paid over to the credit and account of the Borough Fund of such Borough, and the other moiety thereof, with full costs of suit, to any person who will sue for the same in any of Her Majesty's Courts of Record in Dublin: Provided nevertheless, That all powers and authorities which may now by law be exercised by Justices at Quarter Sessions with reference to the granting or obtaining of Licenses for the sale of Beer, Cider or Spirits, shall be exercised by the Justices of the Peace having jurisdiction as such within such Borough, not being engaged in any such trade, and shall be exercised by them at such time and place as shall be appointed by such Justices or the major part of them by public notice, such notice to be posted on or near the Town Hall, and near every place of religious worship within such Borough, Ten clear days before such Justices shall meet for the purpose of exercising such powers and authorities as aforesaid.

134-Recorder to be appointed by Her Majesty in certain Boroughs.

And be it Enacted, That the Council of every Borough, except the City of Dublin, which shall be desirous that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall be or continue to be holden in and for such Borough, shall signify the same by petition to the Lord Lieutenant and Privy Council in Ireland, setting forth the grounds of the application, and the salary which they are willing to pay to the Recorder in that behalf; and it shall be lawful for Her Majesty, if She shall be pleased, thereupon to grant that a separate Court of Quarter Sessions of the Peace, or a Court of Record for the trial of Civil Actions, shall thenceforward be holden in and for such Borough, and the Lord Lieutenant may appoint for such Borough, or for any Two or

or more of such Boroughs conjointly, a fit person, being a practising Barrister-at-Law of not less than Six Years' standing, who shall he and be called the Recorder of such Borough or Boroughs, and shall hold such office during his good behaviour; and the Lord Lieutenant upon
 5 any vacancy in any such office, may appoint another fit person, being a practising Barrister-at-Law of not less than Six Years' standing, to be the Recorder in the place of the person so making such vacancy; and it shall be lawful for the said Lord Lieutenant to direct that an annual salary, not exceeding the sum stated in the petition of the
 10 Council, shall be paid to such Recorder by the Treasurer of such Borough out of the Borough Fund: Provided always, That in every Borough in and for which a separate Court of Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, is now holden, and of which the present Recorder or Deputy Recorder is a Barrister
 15 of Six Years' standing, such Recorder or Deputy Recorder being qualified as aforesaid, shall be continued or appointed a Recorder under the provisions of this Act, and shall be paid out of the Borough Fund the salary now payable to him by the Corporate Body.

And be it Enacted, That the Recorder of the City of Dublin and
 20 his successors in that office shall have all such powers and authority as are now vested in the Sessions Court of the City of Dublin, or in the Recorder or Lord Mayor of the said City, either solely or jointly with any other member or members of the Corporation of the Lord Mayor, Sheriffs, Commons and Citizens of the City of Dublin; and
 25 if the Recorder of Dublin for the time being shall vacate his said office, the Lord Lieutenant shall appoint a fit person, being a practising Barrister-at-law of not less than Six Years' standing, to be Recorder in lieu of the Recorder so vacating the said office; and the Recorder so from time to time appointed shall have the like
 30 powers and authorities as are hereby given or continued to the said Recorder of Dublin; and the Recorder of Dublin for the time being shall be entitled to such salary as the present Recorder is now entitled to, and out of the same funds; and shall hold office during good behaviour, and shall hold a Court of Sessions of the Peace in and for
 35 the City of Dublin as defined in Schedule (C.) to this Act annexed, at such times and within such intervals as the Court of Sessions of the Peace is or ought to be now holden in the said City, or at such other and more frequent times as the said Recorder in his discretion may think fit, or as the Lord Lieutenant shall think fit to direct,
 40 and shall sit as sole Judge in such Court.

And be it Enacted, That the Recorder for the time being of any Borough, as well of Dublin as of any other Borough, shall be a Justice of the Peace of and for such Borough, although he may not have such qualification by estate as is required by law in the case of any other person being a Justice of the Peace for a county; and

135.
Recorder of
the City of
Dublin.

136.
Recorder to
be a Justice of
the Peace for
the Borough.

Not to be
Councillor
or Police
Magistrate.

such Recorder shall have precedence in all places within the Borough of which he may be the Recorder next after the Mayor thereof: Provided always, That no person being such Recorder as aforesaid shall be eligible to serve in Parliament for such Borough, nor shall he be an Alderman, Councillor or Police Magistrate of such Borough; but nothing in this Act contained shall be construed to disqualify any such Recorder from being eligible to sit in Parliament otherwise than is herein provided: Provided also, That in case of sickness or unavoidable absence, the Recorder of any Borough shall be empowered to appoint a Deputy Recorder, being a Bar-
rister of Six Years' standing, to act for him at the Sessions of the Peace then next ensuing, and in such Court of Record, for any time not exceeding Three calendar Months, and no longer or otherwise.

137.
Justices to
make Decla-
ration before
oath.

Provided nevertheless, and he it Enacted, That no Recorder or person assigned as aforesaid to keep the peace within any such Borough, shall be capable of acting as Recorder or Justice of the Peace within such Borough until he shall have taken the oaths provided to be taken by Justices of the Peace, except any oath as to qualification by estate, and until he shall have made before the Mayor, or before any Two or more of the Aldermen or Councillors of such Borough (who is and are hereby authorized and required to administer the same), a declaration in the following form; (that is to say)

" I, A. B., do hereby declare, That I will faithfully and impartially execute the Office of Recorder [or, Justice of the Peace for the Borough of _____], according to the best of my judgment and ability."

138.
Sessions of
the Peace to
be held for
the Borough,
of which the
Recorder is
to be the
sole Judge.

And he it Enacted, That the Recorder of every Borough appointed under this Act shall hold once in every quarter of a year, or at such other and more frequent times as the said Recorder in his discretion may think fit, or as the Lord Lieutenant shall think fit to direct, a Court of Quarter Sessions of the Peace in and for such Borough, of which Court the Recorder of such Borough shall sit as the sole Judge; and such Court of Quarter Sessions of the Peace shall be a Court of Record, and shall have cognizance of all crimes, offences and matters whatsoever cognizable by any Court of Quarter Sessions of the Peace for Counties in Ireland; and the said Recorder shall have power to do all things necessary for exercising such jurisdiction, notwithstanding his being such sole Judge, as fully as any such last-mentioned Court: Provided nevertheless, That no Recorder by virtue of his office shall have power to make or levy any County Rate, or rate in the nature of a County Rate, or to grant any license or authority to any person to keep an inn, alehouse or victualling-house, to sell excisable liquors by retail, or to exercise any of the powers herein specially vested in the Council of such Borough.

And

And be it Enacted, That in the absence of the Recorder and Deputy Recorder the Mayor shall be authorized and required, at the proper times appointed for the holding of such Court of Sessions of the Peace in and for such Borough, to open the said Court, and to adjourn over the holding of the same, and to respite all recognizances conditioned for appearing at the same until such further day as such Mayor then and there and so from time to time shall cause to be proclaimed: Provided nevertheless, That nothing in this Act contained shall authorize or require any such Mayor to sit as a Judge of the said Court for the trial of offenders, or to do any other act in the character of a Judge of such Court, save only in opening and adjourning the said Court, and respiting the said recognizances in manner aforesaid.

139.
Mayor, in the absence of the Recorder, may open and adjourn the Court.

And be it Enacted, That after the First day of January in the year following that in which this Act shall come into operation in any Borough named in the said Schedule (A.), or in any other Borough in Ireland, all powers and jurisdictions to try treasons, capital felonies, and all other criminal jurisdictions whatsoever, granted or confirmed by any law, statute, letters patent, grant or charter whatsoever to any Mayor, Bailiff, Alderman, Recorder or other Corporate or Chartered Officer or Corporate or Chartered Justice of the Peace whomsoever in that Borough, except the Recorder of Dublin, and all right of any Body Corporate in that Borough, or any of the members thereof, by virtue of any law, statute, letters patent, grant or charter whatsoever, to elect or nominate any Justices to keep the peace in or for any Borough, or by any members of any such Corporate Body to act as such Justices of the Peace in or for any of the last-named Boroughs, other than is herein declared, shall cease: Provided nevertheless, That nothing in this Act contained shall be construed to restrain or prevent the holding of any Court of Gaol Delivery or General or Quarter Sessions of the Peace in and for any Borough for which such Court may now be holden, until the said First day of January, but every such Court may be holden in like manner and with the same powers until the said First day of January, as if this Act had not been passed.

140.
Capital Jurisdictions, and all other Criminal Jurisdictions in Boroughs, other than are specified in this Act, abolished.

And be it Enacted, That after the last-named First day of January every person who shall then stand committed to take his trial at any Court of Gaol Delivery, General or Quarter Sessions of the Peace for any Borough, charged with any offence which the Recorder of such Borough, after the said First day of January, will not have the jurisdiction to try, may be lawfully removed and committed to the Gaol or House of Correction of the County in which or adjoining to which such Borough is situated, there to remain and take his trial at the next Court of Quarter Sessions for such County, if the offence is cognizable by a Court of Quarter Sessions, and if not, then

141.
Offences committed to Borough Sessions where jurisdiction is taken away, to be tried in the adjoining County.

before the Judges of Oyer and Terminer and Gaol Delivery at their next circuit; and all persons bound by recognizance to prosecute and give evidence against such offenders shall be bound to appear to prosecute and give their evidence at the Court at which such offenders shall be tried as aforesaid; and all such recognizances, and all depositions relating to such charges, shall be transmitted to the proper officer of the Court where such offenders shall be tried; and the Sheriff, Under Sheriff, Gaolers and other Officers of the County in which such offenders shall be so tried are hereby authorized and required in every such case to receive every prisoner so committed to their custody, and him safely to keep until delivered by due course of law; and the Judges of Assize and others named in Her Majesty's Commissions of Oyer and Terminer and Gaol Delivery, or the Justices for the County, as the case may be, in which such offenders shall be tried, are hereby authorized and required to hear and determine all such cases, and to order the payment of the usual and fit expenses of the prosecutors and witnesses, and all other costs and expenses which in like case may be directed to be paid by order of the Court.

142.
County Justices to have Jurisdiction in all Boroughs which have not a separate Court of Sessions of the Peace.

And be it Enacted, That after the last-named First day of January the Justices assigned or hereafter to be assigned to keep the peace in and for the county in which any Borough is situated, to which Her Majesty shall not have granted that a separate Court of Sessions of the Peace shall be holden in and for the same, shall exercise the jurisdiction of Justices of the Peace in and for such Borough as fully as by law they and each of them can or ought to do in and for the said County; and no part of any Borough in and for which a separate Court of Quarter Sessions of the Peace shall be holden shall be within the jurisdiction of the Justices of any County from which such Borough before the passing of this Act was exempt, any law, statute, letters patent, charter, grant or custom to the contrary notwithstanding.

143.
CLERKS (L.)
Grand Jury
Can not to be levied in Boroughs having Quarter Sessions.

And be it Enacted, That within Ten Days after the grant of a separate Quarter Sessions of the Peace to any Borough, save the Borough of Cork, Dublin, Kilkenny, Limerick, Waterford, Carrickfergus, Galway and Drogheda, the Council of such Borough shall send a copy of such grant, sealed with the seal of the Borough, to the Clerk of the Peace of the County in which such Borough, or any part thereof, is situated, and from the time when this Act shall come into operation in any of the Boroughs or Cities of Cork, Dublin, Kilkenny, Limerick or Waterford, or in any of the Boroughs or Towns of Carrickfergus, Drogheda or Galway severally, and from the time when a separate Court of Quarter Sessions shall have been granted to any other Borough named in either of the said Schedules (A.) and (B.) in pursuance of this Act, it shall not be lawful, save

as hereinafter provided, for any Grand Jury to present any sum or sums of money, or for any Grand Jury or other body or person to assess to any Grand Jury Cess any messuages, lands or tenements within such City, Town or Borough respectively, but Grand Jury Cess shall cease therein from such time respectively: Provided nevertheless, That all Grand Jury Cess which shall be needed to be presented for the purpose of satisfying any lawful order made before that time by any Court may be presented, and all arrears of Grand Jury Cess which shall then be due therein may be levied and collected as if this Act had not been passed.

And be it Enacted, That the Council of each of the Boroughs in which Grand Jury Cess will cease as aforesaid under this Act, shall thenceforth provide, and they are hereby required thenceforth to provide out of the Borough Fund, for all such purposes as are now by law required to be provided for by means of Grand Jury Presentment, or out of Grand Jury Cess, or by or under the Order or Warrant of any Court, or Judge or Judges of Assize; and also that it shall thenceforth be lawful for such Council to provide out of the Borough Fund for all such purposes for which it is now lawful for any Grand Jury to provide by means of Grand Jury Presentment, or which may now be lawfully provided for out of Grand Jury Cess, save as to the salaries or remuneration of Officers whose functions shall cease or become unnecessary under this Act: Provided always, That in case it shall be certified by any Grand Jury of any of such Boroughs, by a certificate to be approved and signed by the Judge of Assize, or by the Chief Justice or senior Judge of the Court of Queen's Bench, at the assizes or presenting term next after this Act shall come into operation in any such Borough, and after Grand Jury Cess shall have so ceased therein, that for any purposes of this Act it shall be necessary that such Grand Jury shall have a Secretary, such Grand Jury, with the approbation of such Judge or said Court, shall specify in such certificate at what amount of reduced salary such Secretary shall be paid, and such reduced salary shall thenceforward be paid, and the Council of such Borough are required to pay the same out of the Borough Fund, but such salary shall be subject to be reduced in like manner by any future Grand Jury, by a like certificate, with the like approbation, and every such certificate shall be lodged with the Clerk of the Crown of such Borough, who shall give a copy thereof for the sum of One Shilling to any person demanding the same, and the Secretary of such Grand Jury who shall be in office when this Act shall so come into operation, shall continue to act at such reduced salary, if his services shall be necessary, and shall be entitled to claim compensation in respect of the residue of his salary, under the provision in respect of compensation hereinbefore contained.

144.
CAUSE (M.)
Councils to
provide for
the purposes
for which
Grand Jury
Cess used to
be levied.

145-
CLAUKE (N.)
Certain
powers of
Grand Juries
with respect
to Gaols,
transferred to
the Councils
of certain
Boroughs.

7 G. 4. c. 74.
6 & 7 W. 4.
c. 51.

And be it Enacted, That the Council of every County of a City
and County of a Town which shall be a Borough under this Act,
shall, after Grand Jury Cess shall cease within such Borough, have
within their Borough all the powers, except as hereinafter provided,
which any Grand Jury have, or if this Act had not been passed
would have, by virtue of an Act passed in the seventh year of the
reign of King GEORGE the Fourth, intituled, "An Act for consoli-
dating and amending the Laws relating to Prisons in Ireland;" also
of an Act passed in the seventh year of the reign of King WILLIAM
the Fourth, intituled, "An Act for converting the Richmond General
Penitentiary into one of the Prisons for the County of the City of
Dublin, and to amend the Law relating to Prisons in Ireland;" or
by virtue of any of said last-recited Acts, or as near thereto
as the nature of the case will admit; and all things in said last-
recited Acts, or any of them, provided to be done by any Grand
Jury (except as hereinafter provided) shall be done at some meeting
of the Council of such Borough; and the Council of such Borough,
and the members thereof, shall be subject to all the restrictions,
obligations and liabilities to which any Grand Jury or Grand
Juror is, or if this Act had not been passed would be, subject
under said Act passed in the seventh year of the reign of King
GEORGE the Fourth: Provided that nothing herein contained shall
give to any such Council the power of appointing a Board of Super-
intendence, such as any Grand Jury may now by law appoint; and
that it shall be lawful for the Grand Jury of any such Borough to
appoint a Board of Superintendence as directed by said Act passed
in the seventh year of the reign of King GEORGE the Fourth; and
every such Board of Superintendence shall execute all powers and
authorities within such Borough which any Board of Superinten-
dence appointed by any Grand Jury may now, or if this Act
had not been passed might exercise by law; and the Town Council
of any such Borough shall and they are hereby required to provide,
out of such Borough Fund, any sum of money which the Board of
Superintendence appointed to act within such Borough might law-
fully order to be paid by the treasurer of the Grand Jury if this Act
had not been passed, and to pay the same in pursuance of such order;
and such Board of Superintendence shall direct any such order to
the treasurer of such Borough, or of the Town Council thereof:
Provided also, That the Grand Jury of every such Borough, and not
the Council thereof, shall have and exercise such powers as the
Grand Jury of the county of the city, or county of the town might
have exercised if this Act had not been passed, in and about
the appointment of such officers of whom, or of whose appointment,
the approbation of the Court or Judge at any assizes or presenting
term is now, or if this Act had not been passed would be, necessary
or required by law.

And

And be it Enacted, That in every case in which the Grand Jury of any county of a city or county of a town, and the Grand Jury of any county at large, are directed to meet together, and empowered or required, when so assembled, to present any sum of money to be levied on such county of a city or county of a town, and county at large, or any district within the same, or any instalment payable in respect of any sum of money theretofore presented as aforesaid, the Grand Jury of the Borough of such county of a city or county of a town shall (notwithstanding any thing in this Act contained to the contrary) meet the Grand Jury of such county at large, in the manner by law required with respect to the Grand Juries of such county of a city or county of a town and county at large; and it shall then be lawful for the said Grand Juries so assembled, or a competent number of them, to ascertain and present the portion of the sum of money then to be levied, properly chargeable upon such borough, or any district within the same, and the portion thereof chargeable upon such county at large, or any district within the same; and the money so ascertained to be chargeable in respect of such borough, or any district within the same, and every instalment payable on account of any such money as aforesaid, shall be paid by the council of such borough, out of the borough fund of such borough; and the money so ascertained to be chargeable in respect of such county at large, or any district within the same, and every instalment payable on account of such money, shall be presented by the Grand Jury of such county at large, to be raised in the manner heretofore by law directed, or as near thereto as the nature of the case will admit; and in so ascertaining the sums so to be presented or chargeable, it shall be lawful for such Grand Juries to take into consideration the circumstances and liabilities of the place or places added to such county at large by virtue of this Act; and in every case in which such money would or ought, if this Act had not been passed, have been payable out of any district of a county of a city or county of a town, and in every other case in which any money which, under this Act, shall be payable out of the borough fund of any borough, ought lawfully to be paid or raised, or if this Act had not been passed would or ought to have been paid or raised, out of any district of such borough, or by the inhabitants thereof, or some of them, it shall be lawful for the town council to add such money to the amount of so much of the borough rate as ought to be raised or paid out of such district, or by the inhabitants thereof liable to the borough rate therein, and the same shall be raised and paid as part of such borough rate accordingly; and in case any difference shall arise between such Grand Juries respecting the apportioning of, or otherwise in relation to, any such money, it shall be lawful for the Judge or Court, upon the representation by either of such Grand Juries that such difference exists, to appoint a Barrister,

not having any interest in the question, to arbitrate and determine the subject matter of such difference; and the award of such arbitrator shall be certified to the Court of Queen's Bench, and filed there as of record, and shall stand in the place of and have the form of a presentment or order of both said Grand Juries, and shall be dealt with and acted on and enforced accordingly.

147.
CHARGE (P.)
Provision for
payment of
costs which
Grand Juries
were bound
to present.

And be it Enacted, That (after Grand Jury Cess shall so cease under this Act in any County of a City or County of a Town) in every case in which any Grand Jury of such County of a City or County of a Town are, or if this Act had not been passed would or might be required to present, or ought to present, any sum of money, whether by way of instalment or otherwise, for the repayment of any advance heretofore made or hereafter to be made out of the Consolidated Fund or other public money, or for or towards the support or maintenance of the constabulary or of any lunatic asylum, or for any other public purpose (save the payment of salaries), for which the amount to be provided is not, or if this Act had not been passed would not, be in the discretion of such Grand Jury, or for the payment of any debt, or the interest thereof, or any instalment thereof, or the interest thereof, it shall be lawful for the Grand Juries of the Borough of such County of a City or County of a Town, and of the County at large to which it shall be adjacent, or with which it shall have the longest common boundary, and they are hereby required to meet upon the first or commission day of the assizes, or the first day of the presenting term at which they shall respectively assemble for public business, and to agree upon and adjust the proportions in which such Borough, and in which such County at large in respect of such parts of such County of a City or County of a Town as shall be added thereto in pursuance of this Act, shall contribute for paying or providing for such sum of money, and shall on the second day of such assizes or term, or at such other time as the Judge or Court shall order, transmit a certificate in writing of such proportions to such Judge or Court; and in case said Grand Juries shall not meet, or shall not agree upon, or shall not certify, such proportions as aforesaid, it shall be lawful for such Judge or Court to settle and adjust such proportions by a certificate, of which one duplicate shall be lodged with the Clerk of the Crown of said Borough, who shall give a copy thereof for One Shilling to any person demanding the same, and another duplicate shall be given to the treasurer of the Grand Jury of such County at large, and such Judge or Court shall issue through the Clerk of the Crown of such Borough, or such other person as to them or him shall seem more convenient, an order on the Council of such Borough to pay such proportion as shall, according to any such certificate, be payable by or in respect of such Borough, and the same shall be paid out of such Borough

Borough Fund to the person or body lawfully entitled to receive the same, or to such person as shall be specified for that purpose in such order; and the Grand Jury of such County at large shall and they are hereby required to present to be raised off such part or district of said County at large as shall be so added as aforesaid such proportion as shall, according to such certificate, be payable by or in respect of such County at large or such part or district thereof, and in default of such Grand Jury so presenting, such Judge or Court shall order the amount thereof to be inserted in the warrant of the treasurer of such County, to be apportioned on, and raised or levied off, such part or district as shall be so added as aforesaid, and the same shall be apportioned, raised and levied accordingly, by all the ways and means appointed by law for apportioning, raising and levying Grand Jury Cess, and the treasurer of such County shall pay such proportion to such person as shall be by law entitled to receive the same, or as shall be specified in the order of such Judge or Court.

149.
CLAUDE (Q.)
Premium for
Apprentice-
ment of funds
for the sup-
port of certain
public esta-
blishments

And be it Enacted, That in every instance in which the Grand Jury of any County of a City or County of a Town may now, or if this Act had not been passed might present any sum, the amount of which is or would be in their discretion, for or towards the support of any Hospital, Infirmary or other public charity or public establishment, which shall be situate within any such County of a City or County of a Town, and of which the inhabitants of the part or district of such County of a City or County of a Town to be added to any County at large under this Act shall share the benefits, the Council of such Borough, or a deputation or committee thereof, and the Grand Jury of such County at large, on the first day of the assembling of such Grand Jury for fiscal business, at or before any assizes or presenting term, or at such other time as shall be agreed on between them, shall meet, and adjust and determine whether said Council out of the Borough Fund, and said Grand Jury out of the Grand Jury Cess, shall contribute, in any and what proportions, any and what sum for or towards the maintenance of such Hospital, Infirmary, charity or establishment; and in case they shall agree upon the same, shall sign a certificate thereof, of which one duplicate shall be lodged with the Treasurer of such Grand Jury, and the other shall be lodged with the Clerk of the Crown of such Borough, who shall give a copy thereof for the sum of One Shilling, to any person demanding the same; and the Town Council shall and they are hereby required to provide and pay out of the Borough Fund such proportion, as according to such certificate, ought to be provided or paid by or in respect of such Borough, and the said Grand Jury shall and they are hereby required to present, to be raised off such part or district so to be added as aforesaid, or such other part of such County at large as to them shall seem just, the proportion

which, according to such certificate, ought to be provided or paid in respect of such County at large, or such part or district as aforesaid, and the said proportion shall be paid and applied accordingly.

149.
CLAUDE (R.)
Remedy for
malicious
injury in Bo-
roughs having
separate
Quarter Ses-
sions.
6 N 7 W. 4,
c. 110.

AND whereas provision is made by an Act passed in the seventh year of the reign of King WILLIAM the Fourth, intituled, "An Act to consolidate and amend the Laws relating to the Presentation of Public Money by Grand Juries in Ireland," for obtaining compensation for certain malicious or wanton injuries or damage specified in said Act; BE it Enacted, That in every instance in which any such malicious or wanton injury or damage as is specified in said Act shall be suffered by any person within any Borough, after Grand Jury Cess shall under this Act cease in such Borough, it shall be lawful for the party so injured to apply by petition to the Judge or Court having criminal jurisdiction over the said Borough at the next assizes or presenting term which shall happen more than Twenty Days after such injury shall have been suffered, setting forth all such matters as are required to be set forth in any application directed to be made for such compensation by virtue of said Act, and such petition shall be deposited with the Clerk of the Crown before the sitting of the Judge or Court at such assizes or presenting term, and a copy of such petition shall be lodged with the Town Clerk of such Borough, or the person acting as such, or if there shall be no such Town Clerk or person, with the Mayor of such Borough, Ten Days before such assizes or presenting term; and the Judge or Court at such assizes or presenting term shall proceed in a summary way, with Three or more of the Grand Jury having jurisdiction to find bills of indictment for offences committed within such Borough, to hear and determine the matter of such application, and thereupon to disallow such petition, or to order such compensation as such person so injured ought to receive for such injury or damage, to be paid out of the Borough Fund of such Borough, and the Council of such Borough shall and they are hereby required to provide and pay the amount of such compensation so to be ordered out of the Borough Fund accordingly: Provided always, That every such person who shall be so injured and shall so apply, shall serve a notice in writing of such injury, and of his intention so to apply, upon the Churchwardens of the parish, and at the nearest police station, or, if there be no such Churchwardens, upon Two of the principal inhabitants of the parish wherein such offence shall have been committed, within Six Days after the commission of the same, and shall within Three Days after the commission of such injury, give or cause to be given such examination on oath before some Justice of the Peace for such Borough as is required by said last-recited Act to be given before some Justice; and in such case such examinant or examiners shall be bound by recognisance to prosecute such offender or offenders by indictment

or

or otherwise, according to law: Provided also, That all such petitions shall be laid before the Judge of Assize or Court by the Clerk of the Crown for such Borough; and in case the Town Council, or any person acting on their behalf, or any person liable to Borough rate within such Borough, shall be desirous of opposing such petition, such
 5 Town Council or person shall be heard in opposition to such petition, and in any such case the Judge or Court shall, if he or they shall deem fit, direct a jury to be forthwith impanelled to try the matter of such petition, and to disallow the same, or award such compensation as such person so injured ought to receive for such injury or
 10 damage; and if the jury shall award any sum for compensation for the person so petitioning, the Judge or Court shall order the amount of compensation so ordered to be paid out of the Borough Fund, and the Council of such Borough shall and they are hereby required
 15 to provide and pay the same out of the Borough Fund accordingly; and all verdicts, awards or orders so made shall be final and conclusive on all parties; and it shall be lawful for such Judge or Court, if he or they shall think fit, to award, by rule for that purpose, costs to the party or parties in favour of whom the issue shall,
 20 after such opposition as aforesaid, be found, to be paid out of such fund, or by such person, as shall be specified in such rule, and to direct and issue forthwith such order or orders in the nature of execution as by said last-recited Act any Judge is empowered to issue for costs, provided always that the amount thereof shall not,
 25 in any one case, exceed Ten Pounds sterling.

And be it Declared and Enacted, That the powers of ordering payment of costs and charges to Prosecutors and Witnesses in cases of Felony in Ireland, given by an Act passed in the twenty-fifth year of the reign of King GEORGE the Third, as explained and
 30 amended by another Act passed in the first year of the reign of his late Majesty, do and shall extend to every case in which the offence shall have been committed, or alleged to have been committed, in any Borough to which a grant of a Court of Quarter Sessions shall have been made, or in which Court a Quarter Sessions shall continue
 35 or exist in pursuance of this Act, and that in every such case the Order of the Court for payment of any such costs or charges shall be directed to the Treasurer of the Borough, and the Treasurer of the Borough upon sight of such Order shall pay the sum of money mentioned therein to the prosecutor or other person authorized to receive
 40 the same, out of the Borough Fund, and shall be allowed the same in his accounts; and no such costs or charges in respect of any such offence shall, after such grant of a Quarter Sessions to any such Borough, be paid out of any County or Grand Jury Cess.

And be it Enacted, That the Treasurer of every County in which any Borough shall be situate, in which a separate Court of Quarter

150.
 CLAUSE (5.)
 Estimate of
 55 G. 2, c. 9,
 and 11 G. 4,
 and 1 W. 4,
 c. 57, to dis-
 creetly having
 Quarter Ses-
 sions.

151.
 CLAUSE (7.)
 Treasurer of
 Counties to
 keep no ac-

costs of prosecution of Offenders sent by such Boroughs for Trial at the Assizes, and make order on them for payment thereof.

152.

CLERK (U.)
Boroughs to pay a proportion of the other County expenditures.

Sessions shall be holden, shall keep an account of all costs arising out of the prosecution, maintenance and punishment, conveyance and transport of all offenders committed for trial to the Assizes in such County from any such Borough; and the Treasurer of every such County shall, not more than twice in every year, send a copy of the said account to the Council of such Borough, and the Council of every such Borough shall forthwith order the same, with all reasonable charges of making and sending such account, to be paid to the Treasurer of such County out of the Borough Fund.

And be it Enacted, That the Treasurer of every such County shall keep an account of all sums of money received in aid or on account of the County Cess, and of the sum of money expended out of the County Cess, for other purposes than the costs arising out of the prosecution, maintenance and punishment, conveyance and transport of offenders committed for trial in such County, other than out of Coroner's Inquests, and shall, not more than Twice in every year, send a copy of the said last-mentioned account to the Council of every Borough (not being a County of a City or County of a Town), situate within such County, in which a separate Court of Quarter Sessions of the Peace shall be holden, and shall make an order on the Council of every such Borough for the payment of such proportion of such sum as would have been chargeable, after deducting all sums of money received in aid of the County-rate as aforesaid, if this Act had not passed, upon such Borough, as the same shall be bounded according to the provisions of this Act; and the Council of such Borough shall forthwith order the same, with all reasonable charges of making and sending the said account, to be paid to the Treasurer of such County out of the Borough Fund.

153.

CLERK (X.)
Arbitration of disputes.

And be it Enacted, That if any difference shall arise concerning any such account, or in any case not herein otherwise provided for, concerning the sum that ought to be contributed and paid out of the Borough Fund of any Borough for any purpose to which, before Grand Jury Cess shall by virtue of this Act cease therein, the Inhabitants of such Borough shall have been liable to be rated to Grand Jury Cess, the Chief Justice of the Court of Queen's Bench in Dublin, in the case of the County of Dublin, and the Senior Justice of Assize in the case of any other County, shall, on the application either of the Treasurer of the County at large, or of the City, Town or Borough interested in the settlement of such account, appoint, by writing under his hand, a Barrister not having any interest in the question, to arbitrate between the parties, and by his award under his hand and seal to determine all such differences, and his award shall be final and conclusive, and may be made a rule of Her Majesty's Court of Queen's Bench in Dublin, and enforced accordingly.

And

154.
CLAUSE (Y.)
Remedy in
case of neglect
by Council or
Treasurer.

And be it Enacted, That if the Town Council shall fail to take, for the providing for any purpose for which they are by this Act required to provide, or for which under this Act they ought to provide, such measures as to any Judge of assize, or to the Court of Queen's Bench, or to any Judge thereof shall appear necessary for so providing, it shall be lawful for such Judge or Court, upon the application of Her Majesty's Attorney-general, or, if such purpose shall have reference to any prison or to any prisoners, of the Board of Superintendence appointed for such Borough, or of Commissioners under any Act of Parliament or other persons having an interest in the subject matter of such application, to hear and determine the same, and to order the Council to take such measures as to such Court or Judge shall appear necessary for providing for such purpose, or to order the Treasurer of the Council of such Borough, or if there be no such Treasurer, the Mayor of the Borough, to pay to such person as the said Judge or Court shall specify in such order, such sum of money as shall be necessary for so providing, and the same shall be paid and applied accordingly; and it shall be lawful for such Court or Judge, if they or he shall so think fit, to order the costs of such application to be paid out of the Borough Fund to the party by whom such application shall be made, or in case such application shall be refused, to order the costs thereof to be paid to the Treasurer of such Town Council, and such costs shall be recovered as any costs awarded by the Court of Queen's Bench in any cause or matter are recovered.

155.
CLAUSE (Z.)
Remedy in
case of non-compliance
with the order.

And be it Enacted, That if the Treasurer or Council of any such City, Town or Borough shall not perform any such order as hereinbefore mentioned, whether made by a Court or Judge, or Board of Superintendence, or other body or person empowered to make the same, within One Month from the time when the same shall be presented to such Treasurer, or to the person acting as such Treasurer, or if there be none such, or if the same be directed to the Council or the Mayor, then within One Month from the time when the same shall be presented to the Mayor of such Borough, it shall be lawful for the Court of Queen's Bench in Dublin, on application of Her Majesty's Attorney General for Ireland, upon such proof as to such Court shall seem satisfactory of the presentation or service of such order, and of the non-compliance therewith, to make such rule as to such Court shall seem fitting and effectual for enforcing such order, and if any money shall be directed by such order to be paid, then for the levying of the amount of such order, by assessment of the necessary lands and tenements within such Borough, and the same, together with the costs of the application to the said Court for that purpose, to be fixed by the Court, or taxed as the said Court shall order, and also a sum after the rate of One Shilling in the pound for the expense of the collection thereof, shall be assessed,

apportioned, levied and recovered by such person or persons as shall be named in such rule, or any other rule to be made by the said Court in relation thereto, by all the ways and means provided by this Act for the assessing, apportioning, levying and recovering of the Borough Rate, and shall be paid over to such person or persons as the said Court shall order, and be applied for the purposes for which the sum specified in such order shall be lawfully applicable. 5

156.
Chartered
Admiralty
Jurisdiction
abolished.

And be it Enacted, That from and after the passing of this Act, so much of all laws, statutes and usages, and so much of all royal and other charters, grants and letters patent heretofore granted to any Borough named in the said Schedule (A.), or any Body Corporate in any such Borough, or in any other Borough in Ireland, whereby such Borough, or any place within the precincts or liberties of the same, or such Body Corporate, or the freemen or inhabitants of the same, claims or claim to be exempted and released from the jurisdiction and office of the Lord High Admiral of England, or of the High Court of the Admiralty of England or Ireland, or whereby any Body Corporate, or any Mayor, Bailiff, Recorder, Steward or other chartered or corporate Officer of any Borough, has or claims any thing belonging to the office of Admiral, whether or not to be exercised by virtue of any Commission to them or any of them to be directed, shall be and the same is hereby repealed. 10 15 20

157.
Jurisdiction
of Court of
Record.

And be it Enacted, That in every Borough to which Her Majesty shall have granted a separate Court of Sessions of the Peace, or a Court of Record for the trial of Civil Actions as aforesaid, there shall be holden or continue to be holden a Court of Record for the trial of Civil Actions; and the Recorder of such Borough shall be the sole Judge of such Court, and in all cases where by charter or custom there is or ought to be holden such a Court of Record shall have jurisdiction to hold and continue such Court for the purpose of disposing of all causes pending therein at the time of the appointment of such Recorder, at such times and places, and with such rules and practice, and with the same powers and jurisdiction as belonged to the said Court at the time of the passing of this Act; and in all other causes such Recorder shall have jurisdiction to proceed either by process of attachment of goods or by serviceable process, according to the provisions hereinafter contained, with authority to try, in a summary way as hereinafter provided, actions of assumpsit, covenant and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed Twenty Pounds, and either the cause of action shall have accrued within such Borough, or the defendant or one of the defendants shall be resident therein, and 25 30 35 40

and also all actions of ejectment between landlord and tenant, wherein the annual rent of the premises of which possession is sought to be recovered shall not exceed Twenty Pounds; and also to try, according to the course of the common law, actions of
 5 assumption, covenant and debt, whether the debt be by specialty or on simple contract, and all actions of trespass or trover for taking goods and chattels, provided the sum or damages sought to be recovered shall not exceed Fifty Pounds, and the cause of action shall have accrued within such Borough; and such actions shall
 10 not be removed or removable to any of Her Majesty's Superior Courts by writ of certiorari or any other process, save writ of error after judgment, where the proceeding is according to the course of the common law: Provided also, That every such Judge respectively from time to time may make rules for regulating the
 15 practice of such Court over which he presides, but so that no such rules shall be of force until they shall have been allowed and confirmed by the Judges of Her Majesty's Court of Queen's Bench in Dublin, or any Three of them.

And be it Enacted, That in every Borough being a County of
 20 a City or County of a Town, wherein the office of Clerk of the Crown or Clerk of the Peace is now by law in the appointment of the Corporation of such Borough, or any member or officer thereof, or held by any officer thereof in right of his office, and in every Borough not being a County of a City or County of a Town,
 25 to which a separate commission of the peace shall be granted, it shall and may be lawful for the Lord Lieutenant to grant from time to time to any person the offices of Clerk of the Peace and Clerk of the Crown of such Borough, or either of them; and the Clerk of the Peace of the County of Londonderry and the Coroners of the said
 30 County shall, whenever after the passing of this Act such offices respectively shall become vacant, be appointed and elected in the same manner as the Clerk of the Peace and Coroner of any other County at large in Ireland.

158.
Appointment of Clerk of the Crown or Clerk of the Peace.

And be it Enacted, That in any Borough wherein there shall be
 35 a Court of Record for the trial of civil actions, or a Court of Conscience, under the provisions of this Act, the Council shall appoint the Registrar of such Court of Record, and the Clerk of such Court of Conscience respectively, and such other officers and servants as are necessary for carrying on the business and executing the pro-
 40 cess of such Courts respectively; and that no Registrar or other officer of such Court shall by himself or his partner practise as an Attorney in such Court.

159.
Appointment of Registrar of Court of Record and Clerk of Court of Conscience.

And be it Enacted, That no suit commenced in any Court of Record in any Borough before the passing of this Act shall abate by reason of any change that shall have been worked in the con-

160.
Relating Suits not to abate by reason of the change of Jurisdiction.

stitution of such Court by the provisions of this Act; but that the same may be heard and determined as if it had been commenced before such Judge, according to the provisions hereinbefore contained in that behalf; and every action, suit and proceeding in which any Corporate Body in conjunction with the name of any Borough mentioned in the Schedules to this Act is a party or interested, shall and may be carried on by or against the Mayor, Aldermen and Burgesses of that Borough.

161.
Who to be
Jurors.

3 & 4 W. 4,
c. 90.

Fine for Non-
attendance.

And be it Enacted, That from and after the time when this Act shall come into operation in any Borough, including the City of Dublin, every person being a Burgess of any Borough wherein there shall be a separate Court of Sessions of the Peace, or a Court of Record for the trial of civil actions, (who would be qualified to serve on a jury, according to the provisions of an Act passed in the session of Parliament holden in the third and fourth years of the reign of his late Majesty King WILLIAM the Fourth, intituled, "An Act for consolidating and amending the Laws relative to Jurors and Juries in Ireland,") shall be qualified and liable to serve on Grand Juries in such Borough, and also upon Juries for the trial of all issues joined in any Court of Sessions of the Peace and in any Court of Record for the trial of civil actions, triable within the Borough of which such person shall be a Burgess; and the Clerk of the Peace of every such Borough shall give public notice of the time and place of holding every such Sessions of the Peace Ten Days at least before the holding thereof, and in Boroughs being Counties of Cities or Counties of Towns, the Sheriff thereof, and in other Boroughs the Clerk of the Peace thereof, shall, Seven Days at the least before the holding thereof, cause to be summoned a sufficient number of persons, being qualified and liable as aforesaid to serve as Grand Jurors at such Sessions; and in Boroughs being Counties as aforesaid the Sheriff, and in other Boroughs the Clerk of the Peace and Registrar of the Court of Record respectively, shall also cause to be summoned not less than Thirty-six nor more than Sixty persons so liable and qualified as aforesaid to serve as Jurors at every such Sessions, and at the holding of every such Court of Record for the trial of causes; and such summons shall be made by showing to the person to be summoned, or in case he shall be absent from the usual place of his abode by leaving with some person therein inhabiting, a note in writing under the hand of such Sheriff, Clerk of the Peace, or Registrar respectively, containing the substance of such summons; and such Sheriff or Clerk of the Peace respectively shall make out a list of the names of such persons so summoned as Grand Jurors; and such Sheriff, Clerk of the Peace, or Registrar respectively, shall also make out a panel of such persons so summoned other than Grand Jurors; and such list and panel shall respectively contain therein the christian names and surnames, places of abode, and descriptions

descriptions of the several persons therein named ; and if any person having been duly summoned to attend on any Jury shall not attend in pursuance of such summons, or, being thrice called, shall not answer to his name, or after his appearance wilfully withdraw himself from the presence of the Court, the Court shall impose such fine upon every person so making default (unless some reasonable excuse shall be proved to the satisfaction of the Court) as the Court shall think meet; and if any person on whom such fine shall be imposed shall refuse to pay the same to the person who shall be authorized by the Court to receive the same, it shall be lawful for the Court then, or at its next sitting, by order of the Court, signed by the Clerk of the Peace or Registrar respectively, to cause to be levied, by distress and sale of the goods of the person on whom such fine shall have been imposed, every such fine and the reasonable charges of such distress and sale; and every fine so received shall be paid to the Treasurer of the Borough, to be by him carried to the account of the Borough Fund hereinbefore mentioned: Provided nevertheless, That no person shall be summoned to serve as a Juror at such Sessions or Court of Record oftener than once in any One Year, unless every person qualified and liable to serve shall have been summoned once during that year.

And be it Enacted, That after the time when this Act shall come into operation in any Borough, every member of the Council for the time being of the Borough, and Justice assigned to keep the peace therein, and every Officer of Police therein, and the Treasurer and Town Clerk for the time being of every such Borough, shall be exempt and disqualified from serving on any Jury summoned within such Borough respectively, save and except the Juries summoned for an Assize or general Gaol Delivery.

162.
Justices, &c.
except from
serving on
Juries.

And be it Enacted, That in all cases of debt or liquidated damages, in which the plaintiff shall be desirous of proceeding in the Court of Record of any Borough, except the City of Dublin, by way of attachment of goods, the plaintiff, or one of the plaintiffs, or some person able to depose to the facts of his own knowledge, shall first make affidavit before the Recorder or the Mayor (who is hereby empowered to take such or any other affidavits in the said Court) of the cause of action, and that the same has accrued within such Borough, or else, where the debt or damages do not exceed Twenty Pounds, that the defendant, or one of the defendants, is resident therein (describing such defendant by his name, addition, and residence particularly), and that the deponent is apprehensive that such debt or damages is or are in danger of being lost to the plaintiff, unless aided by process of the said Court to attach the goods of the defendant, and thereupon it shall be lawful for such Recorder or Mayor to issue an Attachment directed to the proper officer of the

163.
Proceedings
by Attach-
ment in Court
of Record.

Court to be appointed in that behalf as aforesaid, requiring him, according to the Form Number 1, in Schedule (E.) to this Act annexed, to attach the goods of the defendant within the Borough; and thereupon such officer is hereby authorized and required to seize such goods, and to detain the same until the defendant shall have given special bail to pay such sums of money as may be adjudged to the plaintiff in that suit, which bail may be taken either by the Recorder or by the Mayor of such Borough.

164.
Process by
Foreign
Attachment.

And be it Enacted, That in all Boroughs in which by usage or charter the goods, monies or credits of the defendant, may by process of foreign attachment be attached in the hands of a third person, such process by foreign attachment may be proceeded upon in the Court of Record of such Borough under this Act, with such rules of practice, and with the same powers and jurisdiction, as belonged to the said Court at the time of the passing of this Act: Provided always, That no such foreign attachment shall be issued unless a common attachment against the goods of the defendant shall first have issued, and unless thereupon a further affidavit shall be made as aforesaid, describing the goods, monies or credits sought to be attached in the hands of such third person, and stating that the same belong to the defendant; and such third person, in case he claims a property in such goods, shall be permitted to give bail for the same in manner aforesaid.

165.
Where the
Proceedings
shall be by
Civil Bill.

And be it Enacted, That upon the appearance of the defendant upon any such common attachment, and upon the appearance of the garnishee upon any such foreign attachment, the plaintiff, in all cases where the debt or damages do not exceed Twenty Pounds, shall proceed by way of civil bill thereupon, and not according to the course of the common law, by filing such civil bill in the said Court, and giving notice in writing of such filing, together with a copy of such civil bill, to the party or his attorney in the proceeding.

166.
Form of
Proceeding.

And be it Enacted, That in all such cases, and in all other cases wherein the debt or damages do not exceed Twenty Pounds, and the plaintiff shall elect to proceed by serviceable process only in such Court of Record, and in all cases of ejectment triable in such Court of Record, the proceeding shall be, as nearly as circumstances will admit, in the forms, and according to the course, and with such right of appeal to the Judge of Assize of the County in which such Borough, or any part thereof, shall be situate, or to One of the Superior Courts in the City of Dublin, as is by law provided in cases of Civil Bills determinable before the Assistant Barristers of Counties in Ireland, and in cases where the Plaintiff shall proceed in such Court according to the course of the common law, and shall recover in debt or damages an amount not exceeding Twenty Pounds, such Plaintiff shall not recover any costs of suit.

And

167.
Attorneys in
Court of
Record.

And be it Enacted, That any Attorney of any of the Superior Courts of Record in Dublin shall be admissible to practise in the Court of Record of any such Borough, without payment of any fee or stamp-duty upon such his admission, and may continue to practise therein so long as he continues an Attorney of some of the Superior Courts of Record aforesaid, and is in all other respects duly qualified to act and practise as such Attorney.

168.
Court of
Conscience.

AND whereas in several of the Boroughs in Ireland there have been courts for the recovery of small debts in a summary way, commonly called Courts of Conscience; and such courts, when well regulated, have been found useful to the poorer inhabitants of the said Boroughs; and it is expedient to make new and farther provisions for the establishment and regulation of such courts in certain cases; BE it Enacted, That from and after the first election of the Council of any Borough under the provisions of this Act all the powers, authorities and jurisdictions of the then existing court for the recovery of small debts, commonly called the Court of Conscience, in such Borough, whether the same shall have been established by usage, statute or otherwise, shall wholly cease and determine, save only as to the execution of any decrees or orders of the said Court theretofore lawfully made; and that in every Borough in the Schedule (A.) to this Act annexed in which there has been heretofore such a Court, or in which the Lord Lieutenant shall, upon the application of the Council, direct that there shall be such a Court, before the Mayor of the said Borough, or the deputy of such Mayor duly appointed by him by writing under his hand, with the consent of the Council of such Borough, signified by a resolution of such Council duly convened for that purpose, a court for the recovery of small debts, to be called the Court of Conscience of such Borough, and that the Mayor of the said Borough, or his deputy for the time being duly appointed, shall be the Judge or President of such Court, and shall have full power and authority to hear and determine in a summary way causes in all small debts between party and party not exceeding in amount the sum of Forty Shillings, where the cause of action shall have accrued within the said Borough, or the defendant shall reside within the same.

169.
Proceedings
in Courts of
Conscience.

And be it Enacted, That the said Court shall be held at such times and in such place within the said Borough as the Council of the said Borough shall direct and provide, and not otherwise; and that the proceedings in said Court shall be by summons in the form Number 2, specified in the Schedule (E.) to this Act annexed, stating the names of the parties, plaintiff and defendant, the nature and amount of the debt, and the time and place when and where the defendant is required to appear and answer the said claim; and such summons shall be served on the said defendant personally, or,

in case of difficulty in effecting personal service, arising from the acts or contrivance of the said defendant, by serving same in such manner as the President of the said Court shall direct, and in such case a copy of the order for such substitution of service shall be served along with and in the same manner as the summons; and in all cases the summons shall be served in manner aforesaid Twenty-four Hours at the least previously to the hearing of the cause; and in case the said defendant shall appear, or if the plaintiff shall prove by affidavit (which, and all other affidavits in the said Court, the said President is hereby empowered to take), the due service of the said summons, or summons and order as aforesaid, the President of the said Court shall proceed to hear the said cause and the statement of the said party or parties, or their attorney or attorneys, and all competent witnesses and other legal evidence produced by them or either of them, and shall determine the same: Provided always, That it shall be lawful for either party to require the other to be examined upon oath touching the said claims, but that neither of the said parties shall be admitted by his own evidence, on oath or otherwise, to support his own case.

170.
Order of
Court of Con-
science.

And be it Enacted, That upon such evidence as shall be adduced, and the admissions of the said parties, if required to be examined as aforesaid, the said President shall decide upon the case, and shall make an order either for the payment of the sum claimed by the plaintiff or any part thereof, together with his costs of suit, according to a table of costs to be settled for the said Courts in manner hereinafter provided, or for dismissing the said summons, and in such case to order the plaintiff to pay to the defendant his reasonable costs according to the said table, or may adjourn the cause to some other day, as justice may require; and every such order shall specify a time within which such payment of debt and costs, or of costs, as the case may be, shall be made, either by instalments or otherwise; and every order dismissing such summons shall be expressed therein to be either "on the merits" or "without prejudice to any other proceeding for the said demand;" and in case the party against whom such order for the payment of the said debt and costs, or of such costs, shall be made, shall not pay the amount thereof pursuant to the terms of the said order, it shall be lawful for the President of the said court, upon affidavit made of the service of a copy of such order on such party personally, or at his dwelling-house, office or shop, or last known place of residence within the said Borough, and of the non-payment of any sum of money mentioned in such order pursuant to the terms thereof, to issue his warrant under his hand to levy the amount thereof by distress and sale of the goods of the said party.

171.
Appeal from
Court of
Conscience.

And be it Enacted, That no re-hearing of any cause shall be had in the said Court except only in cases where the same shall have been

been dismissed "without prejudice to any other proceeding," as
 aforesaid; and that if any party shall think himself aggrieved by
 any such order of the said court, either for payment of the said debt
 and costs, or for dismissing his cause on the merits as aforesaid,
 it shall be lawful for such party to appeal therefrom to the Recorder
 of the said Borough, where there is a Recorder in the said Borough;
 provided that in case of such appeal the party so appealing shall
 give notice of such appeal to the President of the said Court, and
 also to the opposite party in the said cause; and the said appeals
 may be forthwith proceeded upon before such Recorder at the Court
 of the said Recorder, if then holden, or at the next or any subsequent
 Court of such Recorder, to be held within Six calendar Months from
 the time of the service of such order upon the party so appealing;
 and such Recorder shall have full power and authority to proceed to
 hear such cause, and to rescind and vary or reverse or affirm the said
 order, and in all or any of such cases to make such order, either for
 the payment of the said debt and costs, together with reasonable
 costs of such appeal, pursuant to the said table of costs, or for the
 payment of such costs only as aforesaid, as justice shall require; and
 in case of non-payment of the sum or sums of money mentioned in
 such order, on like affidavit of the due service thereof in manner
 aforesaid, to issue his warrant under his hand to levy the amount
 thereof by distress and sale of the goods of the said party, in the
 same manner as the said President of the said Court of Conscience is
 hereby authorized: Provided always, That such notice of appeal
 shall not operate to stay execution of any order or warrant of the
 said President of the said Court of Conscience, unless the party
 appealing therefrom shall enter into a bond to the Mayor of the said
 Borough, by himself and Two Sureties, jointly and severally bound in
 double the amount of the sums mentioned in such order, that such
 party so appealing shall prosecute such appeal with effect, and in
 case such order shall be affirmed in the whole or in part on such
 appeal to pay the sum mentioned in such order of affirmation,
 either for debt and costs, or for costs: Provided always, That such
 bond shall not be liable to any stamp-duty.

And be it Enacted, That the President of the said Court of Conscience, and the Recorder, as Judge upon appeals from the President or the Town Clerk, under their orders respectively, shall make or cause to be made fair and regular entries in books to be provided by the Town Clerk, under the direction of the Council, for that purpose, of all judgments, orders, directions, regulations, acts, and proceedings of them the said President and Recorder respectively in or relating to the execution of the several powers and authorities vested in them as Judges in the first instance, and upon appeal in such Court as aforesaid, and shall respectively sign the same; and such entries, when so signed, shall be allowed in evidence in proof

172.
 Books of
 Proceedings
 to be provided
 and kept.

of the proceedings of such Court in all Courts whatsoever; and if any person within the jurisdiction of the said Court, after having been duly served with a summons to be issued by the Clerk thereof, and paid or tendered his reasonable expenses to attend and give evidence at a time and place in such summons mentioned, on behalf of any plaintiff or defendant, shall refuse or neglect to appear pursuant to such summons, due proof being made of the service of such summons, and no sufficient cause for his non-appearance being shown to the satisfaction of the Court upon affidavit, or if the person so served with such summons shall appear and refuse to give evidence touching the matter in question, then and in every such case it shall be lawful for such President or Recorder, as the case may be, if satisfied upon affidavit that such person not appearing was duly served with such summons, and was a material witness for the party on whose behalf he was so summoned, or that such person appearing and refusing to give evidence as aforesaid was a material witness for the party on whose behalf he was called, to impose any fine not exceeding Fifty Shillings on every such person; and in case such fine shall not be paid forthwith, such fine may be levied by distress and sale of the goods of the offender, by warrant under the hand of such President or Recorder, as the case may be, rendering the overplus (if any), after deducting such fine, and the costs and charges of such distress, to the owner of the goods; and such fine, when levied, shall be paid over to the party on whose behalf such person shall have been summoned or called upon to give evidence; and in case any person shall be guilty of a contempt of the said Court, it shall be lawful for such President or Recorder to direct that such offender be taken into custody, and any officer of the Court, with or without the assistance of any other person, may take such offender into custody accordingly; and the said President or Recorder shall then examine into such contempt, and then, upon his own view, or upon oath of one or more other persons, impose a fine not exceeding Fifty Shillings for each offence on each offender; and if such fine shall not be forthwith paid, such President or Recorder may commit the offender to any lawful prison within such Borough for any time not exceeding Twenty Days, or such fine may be levied by distress and sale of the goods of the offender in manner aforesaid, and paid to the Treasurer of such Borough, to the credit of the Borough Fund, and such offender may be detained in custody until the rising of the Court on the day of his offence, and for one hour after.

173.
Fees payable to the Clerk of the Peace, Clerk to the Magistrates, and Registrar and Officers of the Court of Record.

And he is Enacted, That the Council of every Borough shall and they are hereby required, within Six calendar Months next after their election, to make and settle a table of the fees which shall be taken by the Clerk of the Peace in those Boroughs in which a separate Court of Session of the Peace shall be holden, and in those Boroughs in which there shall be a Court of Record and a Court of Conscience

Conscience a table of the fees to be taken by the Registrar and officers of such Courts; and such tables of fees shall be submitted to the Chief Justice and other Justices of Her Majesty's Court of Queen's Bench in Ireland; and when such tables of fees shall be confirmed and allowed by such Chief Justice or other Justices, or any Three of them, either as such table shall have been submitted to them, or with such alterations, additions or abatements as they shall think proper, the fees therein mentioned may thenceforth be lawfully taken by the person therein named to be entitled therunto; and it shall be lawful for the Council of such Borough, from time to time as occasion may require, to make new tables of fees, to be taken instead of the fees contained in the tables which shall have been made as aforesaid, which new tables shall be confirmed and allowed in the manner hereinbefore mentioned, otherwise the same shall be of no validity; and that until tables of the fees so to be taken in any such Borough shall have been made and confirmed as aforesaid, it shall be lawful for such Clerk of the Peace at the Sessions for any such Borough to take the fees authorized by the table for the time being to be taken by the Clerk of the Peace at the Sessions for the County within or adjoining to which such Borough is situated, and for the Registrar and officers of such Court of Record or Court of Conscience to take the fees usually taken by them before the passing of this Act.

And be it Enacted, That in those Boroughs to which a commission of the peace shall have been granted, the Clerk to the Justices shall be entitled to such fees (and no other) as are chargeable by and under an Act passed in the Session of Parliament holden in the seventh and eighth years of the reign of his Majesty King GEORGE the Fourth, intituled, "An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in Ireland," subject to such orders of the Justices as in that Act provided.

174.
Clerks to
Justices to
be entitled
to Fees
chargeable
under Act
7 & 8 G. 4.
c. 67.

And be it Enacted, That the Town Clerk of every Borough shall cause a true copy of the Tables of Fees in force for the time being to be hung up in a conspicuous part of the room in which the business of his office is transacted, and also the room wherein the Justices of the Peace of such Borough shall sit for transacting their business, and also in the room wherein the Court of Sessions of the Peace for the Borough shall be held, and also in the Court of Record and Court of Conscience of the said Borough respectively.

175.
Table of Fees
to be hung up.

And be it Enacted, That when by any Act any Penalties or Forfeitures are or shall hereafter be made recoverable in a summary manner before any Justice or Justices of the Peace, and by such Act respectively, the same are or shall be limited and made payable to Her Majesty, or to any Body Corporate, or to any person whomsoever, save and except the informer who shall sue for the same, or any party aggrieved,

176.
Application
of Penalties.

aggrieved, in every such case the same, if recovered and adjudged before any Justice of any Borough in which a separate Court of Sessions of the Peace shall be holden as aforesaid, shall, notwithstanding any thing in such Act respectively contained, be recovered for and adjudged to be paid to the Treasurer of such Borough for the time being, to the credit and on account of the Borough Fund of such Borough, or, where there shall be no Borough Fund, be paid to or for the use of the parish or union where such offence shall have been committed, to be applied in aid of the Poor Rate of such parish or union; and no such penalty or forfeiture, or share of such penalty or forfeiture, shall in any case be recovered by or adjudged to be paid to any other person than the said Treasurer, unless such person be the informer or the party aggrieved: Provided always, That nothing herein contained shall extend to any penalties or forfeitures recovered under any Act relating to the Customs, or to trade or navigation, and sued for by the direction of the Commissioners of Her Majesty's Customs, which shall be paid to such person as the said Commissioners shall direct to receive the same.

177.
Limitation of
time for Pro-
secution of
Offences
punishable on
summary
Conviction
under this
Act, and
Summons of
Offenders.

AND for the more effectual prosecution of offences punishable upon summary conviction by virtue of this Act, BE it Enacted, That the prosecution for every such offence shall be commenced within Six calendar Months after the commission of the offence, and not otherwise; and that where any person shall be charged, on the oath of a credible witness, with any such offence, before a Justice of the Peace, the Justice may summon the party charged to appear before any two Justices of the Peace acting in and for the Borough in which such offence shall have been committed, at a time and place to be named in such summons; and if such party shall not appear accordingly, the Justices of the Peace then and there present (upon proof of the due service of the summons by delivering a copy thereof to the party, or by delivering such copy at the party's usual place of abode to some inmate thereof, and explaining the purport thereof to such inmate), may either proceed to hear and determine the case in the absence of the party, or may issue their warrant for apprehending and bringing such party before them, as they shall think proper.

178.
Power to
summon
Witnesses.

Punish-
ment for
disobedience
to Summons,
&c.

And be it Enacted, That it shall be lawful for any Justice of the Peace acting in and for any Borough, to issue his summons requiring any person to appear before any such Justices of the Peace for the purpose of giving evidence touching any offence against this Act; and if any person so summoned shall neglect or refuse to appear at the time and place appointed by such summons, and no reasonable excuse for his absence shall be proved before the Justices of the Peace then and there present, or if any person appearing in obedience to such summons shall refuse to be examined on oath touching any such offence by the Justices then and there present, every person so offending

offending shall, on conviction thereof before the said Justices, or any other Justices of the Peace, forfeit and pay such sum of money, not exceeding Five Pounds, as to the convicting Justices shall seem meet; and no person, although liable to the rate contributing to the Borough Fund of any Borough shall be deemed an incompetent witness in proof of any offence against this Act by reason of any penalty or forfeiture for such offence being applicable to the use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the execution of this Act by reason of his being liable to the rate contributing to the Borough Fund of any Borough.

No Witness
or Justice to
be incompetent on the
ground of
rateability.

And be it Enacted, That the Justices of the Peace by whom any person shall be summarily convicted and adjudged to pay any sum of money for any offence against this Act may adjudge that such person shall pay the same either immediately or within such period as the said Justices shall think fit; and in case such sum of money shall not be paid at the time so appointed, the same shall be levied by distress and sale of the goods and chattels of the offender, with the reasonable charges of such distress; and it shall be lawful for such Justices to order the offender to be detained in safe custody until return can conveniently be made to the warrant of distress, unless the said offender shall give sufficient security to the satisfaction of such Justices for his or her appearance before them on such day as shall be appointed for the return of such warrant of distress, such day not being more than Eight Days from the day of taking the security, and which security the said Justices are hereby empowered to take by way of recognizance or otherwise; and if upon the return of such warrant it shall appear that no sufficient distress can be had thereupon, or in case it shall appear to the satisfaction of such Justices, either by the confession of the offender or otherwise, that the offender hath not sufficient goods and chattels whereon such sum of money and costs may be levied were a warrant of distress issued, such Justices shall not be required to issue such warrant of distress, and thereupon it shall be lawful for any such Justices and they are hereby authorized and required to cause such offender to be imprisoned, with or without hard labour, in the common gaol or house of correction, as to the convicting Justices shall seem meet, for any term not exceeding One calendar Month where the sum to be paid shall not exceed Five Pounds, and for any term not exceeding Two calendar Months in any other case, the imprisonment to cease in each of the cases aforesaid upon payment of the sum due.

179.
Payment of
Penalties,
and Mode of
levying the
same.

And be it Enacted, That the Justices of the Peace before whom any person shall be summarily convicted of any offence against this Act may cause the conviction to be drawn up in the following form

180.
Form of
Conviction.

of words, or in any other words to the like effect, as the case may require; (that is to say,)

“ } BE it Remembered, That on the day of
 to wit, } in the year of our Lord
 in the Borough of in the County of 5
 A. O. is convicted before us, J. P. and J. J. P., Two of
 Her Majesty's Justices of the Peace for the said County
 [or Borough, or otherwise, as the case may be], for that
 the said A. O. did [here specify the offence, and the time
 and place when and where the same was committed, as the
 case may be]; and we do adjudge that the said A. O. shall 10
 for the said offence forfeit the sum of , and
 shall pay the same immediately [or shall pay the same on
 or before the day of] to
 the Treasurer for the said Borough, to be by him applied 15
 according to the directions of the statute in that case made
 and provided. Given under our hands the day and year
 first above mentioned.”

181.
 Appeal
 against
 Convictions
 under this
 Act.

And be it Enacted, That any person who shall think himself
 aggrieved by any summary conviction in pursuance of this Act, may 20
 appeal to the next Court of General or Quarter Sessions of the
 Peace to be holden, not less than Twelve Days after such conviction,
 for the County or Division of the County, or for the Borough
 wherein the cause of complaint shall have arisen, provided that such
 person shall give to the complainant a notice in writing of such 25
 appeal, and of the cause and matter thereof, within Three Days after
 such conviction, and Seven clear Days at the least before such
 Sessions, and shall also either remain in custody until the Sessions,
 or within such Three Days enter into a recognizance, with a suffi-
 cient surety, before a Justice of the Peace, conditioned personally to 30
 appear at the said Sessions, and to try such appeal, and to abide the
 judgment of the Court thereupon, and to pay such costs as shall be
 by the Court awarded; and upon such notice being given and such
 recognizance entered into, the Justice before whom the same shall
 be entered into shall liberate such person, if in custody; and the 35
 Court at such Sessions shall bear and determine the matter of the
 appeal, and shall make such order therein, with or without costs to
 either party, as to the Court shall seem meet, and in case of the
 dismissal of the appeal or the affirmance of the conviction, shall order
 and adjudge the offender to be dealt with and punished according to 40
 the conviction, and to pay such costs as shall be awarded, and shall,
 if necessary, issue process for enforcing such judgment.

182.
 No Certiorari,
 &c.

And be it Enacted, That no conviction, order, warrant or other
 matter made or purporting to be made by virtue of this Act shall
 be quashed for want of form, and no warrant of commitment shall
 be

be held void by reason of any defect therein, provided that it be therein alleged that it is founded on a conviction, and there be a good and valid conviction to sustain the same; and where any distress shall be made for levying any money by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, on account of any defect or want of form in the summons, conviction, warrant of distress or other proceedings relating thereto, nor shall the party distraining be deemed a trespasser *ab initio* on account of any irregularity afterwards committed by him, but the person aggrieved by such irregularity may recover full satisfaction for the special damage, if any, in an action upon the case.

AND for the protection of persons acting in the execution of this Act, BE it Enacted, That all actions and prosecutions to be commenced against any person for any thing done in pursuance of this Act shall be commenced within Twelve calendar Months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the defendant One calendar Month at least before the commencement of the action; and in any such action the defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action, by or on behalf of the defendant; and if a verdict shall pass for the defendant, or the plaintiff shall become nonsuit, or discontinue any such action after issue joined, or if upon demurrer or otherwise judgment shall be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant hath by law in other cases.

And be it Enacted, That as soon as any valuation for the purpose of making a rate for the relief of the destitute poor shall have been made in any Borough named in either of the said Schedules, or in any Borough to which a Charter of Incorporation shall be granted in pursuance of this Act, the Commissioners appointed to carry into execution the said Act for the relief of the destitute poor in Ireland, shall, under their seal, certify to the Lord Lieutenant of Ireland that such valuation has been made, and shall at the same time certify under their seal to the Lord Lieutenant the names of six Valuers for the purpose hereinafter mentioned; and upon the receipt of such certificate the Lord Lieutenant shall cause such certificate to be published in the Dublin Gazette.

And be it Enacted, That as soon as conveniently may be after the publication of such certificate in the Dublin Gazette, the Lord Lieu-

As to Informality in Warrants, &c.

183.
Limitation in Proceedings against Persons acting under this Act.

Notice of Action.

General Issue.

Tender of Amends, &c.

184.
CLAUSE (A.A.)
POOR LAW COMMISSIONERS to certify to the Lord Lieutenant when Valuation is made.

185.
CLAUSE (B.B.)
COMMISSIONERS of Appeal appointed.

tenant shall, by warrant under his hand, appoint three Commissioners of Appeal against the valuation, two of whom shall be Valuers chosen from the list certified to him as aforesaid, and the third shall be the Assistant Barrister of the county in or adjoining to which such Borough is situated, or in the case of Dublin, one of the Divisional Justices, or a Barrister of not less than Six Years' standing at the bar; and every such Barrister or Divisional Justice shall be the Chairman of the Court of Appeal of which he is one of the Commissioners; and the Lord Lieutenant shall appoint the first time when the Commissioners will sit for hearing appeals against the valuation, not being sooner than Twenty-one Days after the day of the publication of the valuation as aforesaid.

186.

CLAUSE(CC.)
Who may appeal, and on what grounds.

And be it Enacted, That during the said period of Twenty-one Days any person occupying or owning any property included in the said valuation, may appeal against the valuation either on the ground that any house, warehouse, counting-house, office or shop, being separately or conjointly with any land occupied therewith of a net annual value less than Eight Pounds, is valued therein as being of a net annual value not less than Eight Pounds, or on the ground that any such premises being of a net annual value not less than Eight Pounds are valued therein as being of a net annual value of less than Eight Pounds, or on the ground that some tenement, consisting of a house, warehouse, counting-house, office or shop, or of a house, warehouse, counting-house, office or shop conjointly with land held therewith, in which tenement the party appealing is interested, has not been valued in such valuation as of a net annual value of not less than Eight Pounds, but not on any other grounds whatsoever.

187.

CLAUSE(DD.)
Notice of Appeal.

And be it Enacted, That before the expiration of the said period of Twenty-one Days, notice in writing of every such intended appeal shall be given by the appellant to the Clerk or person acting as the Clerk of the Guardians of the Union, or of the other persons or officers appointed by the Commissioners in their behalf, where no Guardians shall be acting, or to the said Guardians, and such notice shall set forth the name of the appellant, the description of the premises in respect of which the valuation is appealed against, and the ground of the appeal.

188.

CLAUSE(EK.)
Proceedings of the Court of Appeal.

And be it Enacted, That at the time appointed for their first meeting, the Commissioners of appeal shall hold an open Court within the Borough for the purpose of hearing all such appeals as aforesaid; and the said Guardians, or their Clerk, or some person acting for the said Guardians, shall produce before them the valuation, and all notices of appeal given as aforesaid; and the said Commissioners of Appeal shall have power to call before them the said Clerk, or other officer

officer of said Guardians, or any of said Guardians, and all persons by whom they may be better informed of the true value of the premises which are the subject of any such appeal, and to require all persons having the custody of any books or documents thereunto relating to produce them before the said Court, and to allow themselves to be examined, and all such books and documents to be inspected by the Court; and the said Commissioners shall have power to examine upon oath all witnesses touching the premises; and any person being duly summoned to attend the said Commissioners, or to produce before them any book or document in their custody or control, who shall without excuse neglect or refuse to obey, may be committed by the Commissioners to the common goal or house of correction for such Borough for any time not exceeding Fourteen Days, or until he shall submit himself to be examined, or to produce and suffer to be inspected the book or document required of him; and every person who upon any such examination before the Commissioners of Appeal shall wilfully swear falsely, shall be deemed guilty of Perjury, and punished accordingly.

189
CLAVIS (FF.)
Correction of
the Valuation.

And be it Enacted, That the Commissioners shall in open Court decide upon the validity of any such objections to the valuation; and in case the Commissioners shall determine upon any such appeal that any such premises as aforesaid which have been valued at Eight Pounds or upwards ought to have been valued at less than Eight Pounds, or that any such premises valued at less than Eight Pounds ought to have been valued at Eight Pounds or upwards, or that any premises not valued, or not valued together in such valuation as of a net annual value of not less than Eight Pounds, ought to have been so valued, the Chairman shall correct the valuation accordingly, and shall make such changes and amendments in such valuation, with reference to the premises which shall be, in the whole or in part, the subject of such appeal, and with reference to any other premises valued or held conjointly with them as to such Commissioners shall appear necessary by reason of such correction, and shall write his initials against every correction, change or amendment so made by him; and after all the said appeals shall be disposed of, the valuation so corrected shall be thenceforward taken to be the valuation made for the purposes of the said Act for the relief of the destitute poor, and shall not, as to any parts thereof which shall be the subject of any such appeal, or shall be so corrected, changed or amended, be altered upon any appeal made against any rate founded on such valuation, but such parts shall remain unaltered until a new valuation shall have been made in the manner prescribed by the said Act for the relief of the destitute poor, and until all appeals against such new valuation shall have been disposed of in the manner hereinbefore mentioned.

190.
CLAUSE (GG.)
Two Courts of
Appeal for the
City of Dublin.

And be it Enacted, That in and for the Borough of the City of Dublin, there shall be two such Courts of Commission of Appeal, one for the portion of such Borough situate to the North, and the other for the portion thereof situate to the South of the River Liffey, and all the provisions of this Act in relation to such Appeals shall apply to each such portion as if the same were a separate Borough.

191.
CLAUSE (HH.)
Act to come
into operation
when all such
Appeals heard.

And be it Enacted, That the Commissioners shall certify under their hands to the Lord Lieutenant when all the appeals shall be disposed of, and thereupon the Lord Lieutenant shall cause such Certificate to be published in the Dublin Gazette, with a declaration that this Act shall thenceforward be in force in the Borough or Boroughs named in the Certificate; and upon such publication this Act shall come into operation, commence and be in force in the Borough or Boroughs named in such Certificate.

192.
CLAUSE (II.)
Remuneration
to Barristers
and others,
employed
under this Act.

And be it Enacted, That the said Commissioners of Appeal shall hold an open Court, and sit from day to day (except Sunday and Good Friday), from in the forenoon, to in the afternoon, between the First day of March and the First day of October, and from in the forenoon to in the afternoon, in any other part of the year; whether Assistant Barrister or other, not being a Police Magistrate in Dublin; and every Barrister shall, for any duty to be performed under this Act, be paid, besides his expenses as hereinafter mentioned, at the rate of Five Guineas for every Day of the first Ten Days that he shall be employed under this Act, and at the rate of Two Guineas for every Day that he shall be so employed after the expiration of such Ten Days; and every such Police Magistrate and Valuer shall be paid (besides his expenses as hereinafter mentioned), at the rate of Two Guineas for every Day of the first Ten Days that he shall be so employed, and One Guinea for every Day that he shall be so employed, after the expiration of such Ten Days; and every such Barrister, whether Assistant Barrister or other, and every such Police Magistrate and Valuer, shall, after the termination of his last sitting, lay or cause to be laid before the Lords Commissioners of Her Majesty's Treasury for the time being, or before the Chief or Under Secretary for Ireland, to be transmitted to the said Lords Commissioners, a Statement of the Number of Days during which he shall have been so employed in each Borough, and an Account of the travelling and other expenses incurred by him in respect of such employment, and the said Lords Commissioners shall make an Order for the amount to be paid to such Barrister out of the Consolidated Fund: Provided nevertheless, That the said Lords Commissioners shall make an Order on the Council of such Borough for the amount of such salary and expenses hereinbefore enacted to be paid for any duty performed in respect of such Borough; and the Council

of such Borough shall forthwith cause the same to be repaid to the said Lords Commissioners out of the Borough Fund of such Borough, and the same, if not paid, shall be deemed to be a debt due to Her Majesty, and recoverable as such.

And be it Enacted, That whenever any tenement in any such Borough shall consist of a house, warehouse, counting-house, office or shop, or a house, warehouse, counting-house, office or shop occupied conjointly with land, such tenement shall be separately valued and rated in any valuation and in any rate made under such Act for the more effectual relief of the destitute poor in Ireland.

AND whereas it may happen that the several provisions of this Act cannot be carried into effect within the several periods hereinbefore specified and limited in that behalf; BE it therefore Enacted, That it shall be lawful for the Lord Lieutenant of Ireland, if he shall think fit, by the advice of Her Majesty's Privy Council there, to order any convenient day after this Act shall come into operation in any Borough for doing the several matters required or authorized by this Act to be done on the Fifth day of September in the first year in which this Act shall come into operation in that Borough instead of the said Fifth day of September, and in such case all matters mentioned in such order shall be done in the said year on such day as shall be mentioned in that behalf in such order, as if the day mentioned in such order had in every instance been mentioned in this Act instead of the said Fifth day of September, and not otherwise; and all things required or authorized by this Act to be done on any other day, or within any time from or after any day named in this Act, shall be done in the said first year on such other days and within such other times as shall have the same relation in point of time to the day so ordered by the Lord Lieutenant instead of the Fifth day of September, as the days and time mentioned in this Act have to the said Fifth day of September, but if any such day fall on a Sunday then on the following day; and no person shall be entitled to be enrolled in the Burgess Roll of any Borough in the first year in which this Act shall come into operation in that Borough unless he would have been entitled on the Fifth day next before the day so ordered by the Lord Lieutenant to have his name included in some Churchwarden's List, if such list had been made out on the said Fifth day next before the day so ordered.

And be it Enacted, That after the passing of this Act every application to the Court of Queen's Bench for the purpose of calling upon any person to show by what warrant he claims to exercise the office of Mayor, Alderman or Councillor in any Borough shall be made before the end of the term following next but one after the election of the person against whom such application shall

193.
Cases (KK) Presiding giving the Municipal Franchise to be separately valued and rated for Relief of the Poor.

194.
Periods connected with first Registration and Election may be deferred by Order in Council.

195.
Applications for Quo Warranto to be made within the Term next but one after Election.

be directed, or after the time when such person shall have become disqualified, and not at a subsequent time.

196.
Corporations
not to be-
come extinct
by reason of
election not
being held on
appointed
days.

And be it Enacted, That after the passing of this Act, in case no election shall be made of any Mayor or any of the Aldermen, Councillors or other Corporate Officers, in any Borough named in the said Schedules, upon the day or within the time appointed by this Act for such election, or such election being made shall afterwards become void, whether such omission or avoidance shall occur through the default of the Officer or Officers who ought to preside at such election, or by any other means or accident whatsoever, the Corporation shall not thereby be deemed to be dissolved or disabled from electing such Mayor, Alderman or Councillor, or other Corporate Officer for the future; but in case where no such election shall be made as aforesaid, the election for any such Mayor, Alderman, Councillor or other Corporate Officer may be had, held or proceeded with upon the day next after the day on which such election ought to have been made, unless such day shall happen to be a Sunday, and then upon the Monday following; and every act necessary to be done in order to and for the completing such election shall and may be then done, and the same shall be as effectual and valid for all purposes as if the election had been made on the proper day appointed for that purpose.

197.
Provisions of
Act of Irish
Parliament,
19 G. 2,
extended to
elections
under this
Act.

And be it Enacted, That after the passing of this Act all the powers, authorities and jurisdictions by an Act passed in the Parliament of Ireland in the nineteenth year of the reign of King GEORGE the Second, intituled, "An Act for the better regulation of Corporations," given to Her Majesty's Court of Queen's Bench in Ireland, in cases where no election shall be made of the Mayor, Bailiff or Bailiffs, or other chief Officer or Officers of Cities, Boroughs or Towns Corporate, upon the day or within the time appointed by charter or usage for that purpose, and that no election is made pursuant to the directions in that Act and hereinbefore prescribed, or that such election being made shall afterwards become void, as in that Act mentioned, shall be and the same are hereby extended to all cases in which no election shall be made of any Mayor, Alderman, Councillor or other Corporate Officer or other person, to any Corporate Office, on the day or within the time appointed for any such election under the provisions of this Act; and the said Court of Queen's Bench is hereby empowered in all such cases to make such orders, and to do all other acts, matters and things in respect thereof, as fully and effectually as the said Court is now by law authorized in any other cases of making orders for the election of any Officers of Corporations; and the election to be held under any such Order shall be held and the proceedings thereupon conducted within the Borough in the same manner and under the like regulations

tions and provisions as are in said Act of His Majesty King George the Second enacted and provided.

AND whereas it may be expedient that some of the Towns in Ireland named in the Schedule (B.) to this Act annexed should continue to be Corporations, and should be assimilated to the Boroughs named in the said Schedule (A): And whereas sundry Towns in Ireland not named in the Schedules to this Act annexed, are not Towns Corporate, and in some others the Corporations have been extinct, and it may be expedient that several of them should be incorporated; BE it Enacted, That if the inhabitant householders of any Borough named in the said Schedule (B.), or of any other Town in Ireland in which the population, according to the last census which shall have been taken by authority of Parliament, exceeded the number of Three thousand, and in which a rate shall have been made under the said Act for the relief of the poor, shall petition Her Majesty, such petition to be presented through the Lord Lieutenant or the Secretary of State for the Home Department, to grant to them a Charter of Incorporation, it shall be lawful for Her Majesty by any such Charter, if She shall think fit, by advice of Her Privy Council, or upon the representation of the Lord Lieutenant in Council in Ireland, to grant the same, to extend to the Inhabitants of any such Town or Borough within the District to be set forth in such Charter the powers and provisions in this Act contained: Provided always, That in any such Charter it shall be lawful for Her Majesty to grant that all persons shall be qualified by estate to be Aldermen or Councillors of the Borough, who shall be seised or possessed of real or personal estate, or of both, of the clear value above what will satisfy their debts respectively of such sum, not more than One thousand Pounds, and not less than Five hundred Pounds, as to Her Majesty, with the advice of Her Privy Council, or upon the representation of the Lord Lieutenant in Council in Ireland, shall seem fit; or who shall occupy, and for twelve months next previous to their election shall have occupied, a house within the Borough, valued for the purpose of being rated for the relief of the Poor as being of the net annual value of such sum, not more than Twenty Pounds and not less than Twelve Pounds, as to Her Majesty, with the advice of Her Privy Council, or upon the representation of the Lord Lieutenant in Council in Ireland, shall seem fit; and that the net annual value of the tenement, whose occupier, if not otherwise disqualified, as hereinbefore provided, shall be entitled to be enrolled a Burgess of that Borough during the first Three years after the making of a valuation for the purpose of a rate for the relief of the poor in that Borough, may be such sum, not more than Eight Pounds and not less than Four Pounds, as to Her Majesty, with the advice of Her Privy Council, or upon the representation

198.
The Queen
empowered
to grant
Charters of
Incorporation.

representation of the Lord Lieutenant in Council in Ireland, shall seem fit: Provided also, That notice of every such Petition, and of the time when it shall please Her Majesty to order that the same be taken into consideration by Her Privy Council, shall be published by Royal Proclamation in the Dublin Gazette One Month at least before such Petition shall be so considered.

199.
Charter to
describe
Boundaries
and Wards.

And be it Enacted, That in every such Charter shall be described the Boundaries of the District to which the same is to extend, which shall be determined, as nearly as may be found convenient, according to the following Rules; (that is to say) such Boundary shall include only the ancient limits of the Town, in all cases in which such limits include all the buildings considered to form part of the Town, and a sufficient space to allow of the probable increase thereof; but when the streets or buildings extend beyond the ancient limits of the Town, such Boundaries shall be made to include the whole of such streets and buildings; and where there is a suburb near, but not contiguous to such Town, then in determining whether such suburb shall be included in the said Boundaries there shall be taken into consideration the extent and occupation of the ground which separates such suburb from the Town, and the nature and employment of the population of such suburb, and their connexion with the Town; and when the ancient Boundaries include a rural district, the Boundaries shall be confined to the Streets and Buildings, with a sufficient space to allow of the probable increase thereof, and shall not include such rural district; and every such Town shall be divided into wards, whenever the population thereof according to the said last census exceeded in number Eight thousand, and there shall be, as nearly as may be on an average, One Ward and Two Aldermen and Six Councillors to a population of every Four thousand persons, and in every case there shall be an even number of Aldermen, and the number of Councillors shall be Three times the number of Aldermen; and such Charter shall specify the number of wards (if any) into which the Town is to be divided, and the number of Aldermen and Councillors to be elected therein respectively.

200.
This Act then
to come into
operation in
that Borough.

And be it Enacted, That upon the day to be named in such Charter, the powers and provisions in this Act contained shall be carried into effect in such manner as the Lord Lieutenant shall direct, and as nearly as may be in like manner as if such Town had been named in the Schedule (A.) to this Act annexed; and all the enactments in this Act contained with respect to the said Boroughs named in the said Schedule (A.), except with regard to the amount of qualification of Aldermen, Councillors and Burgesses, which shall be as specified in the Charter within the limits hereinbefore provided, shall extend and be applied to such Town, from and after the day to be named in the Charter granted to such Town, in the same manner to

all

all intents and purposes as the same would have taken effect from and after the coming into operation of this Act if such Town had been one of the Boroughs named in the said Schedule (A.) to this Act annexed, and the boundaries and wards and number of Aldermen and Councillors mentioned in such Charter, had been contained in Schedule (C.) to this Act annexed.

And be it Enacted, That in every Borough named in the said Schedule (B.), and in every other Town in Ireland to which a Charter of Incorporation shall be granted as aforesaid, and which shall not thereby be divided into wards, the Aldermen and Councillors to be assigned to such Borough shall be elected by the Burgesses of the whole Borough in like manner as the Aldermen and Councillors of any ward are directed by the provisions hereinbefore contained to be elected in that ward, except that every such election hereinbefore directed to be holden before an Alderman and two Assessors of the ward shall be holden before the Mayor and two Assessors of the Borough, and the two Assessors chosen to hold the Court with the Mayor for revising the Burgess Lists shall also perform all the same duties, and shall have the same powers within the Borough as are to be performed and exercised in a Borough divided into wards by the two Assessors chosen for each ward; and the votings and other proceedings in all other respects at such elections within such Borough shall be conducted in the same manner as is hereinbefore directed with regard to similar elections in wards.

201.
Where the Borough is not divided into Wards, the Elections for the whole Borough to be similar to Elections in Wards.

And be it Enacted, That within Six Weeks after the commencement of each Session of Parliament, a Return of all the Towns in Ireland from which Petitions shall have been presented for Charters of Incorporation, in pursuance of the provisions hereinbefore contained, shall be laid by One of Her Majesty's Principal Secretaries of State before both Houses of Parliament.

202.
Account of Boroughs which have petitioned to be held before Parliament.

And be it Enacted, That in every Borough named in the said Schedule (B.) to which no Charter of Incorporation in pursuance of any such Petition shall be granted within Twelve calendar Months next after the passing of this Act, and in which any Commissioners shall then have been elected under the said Act passed in the ninth year of the reign of King GEORGE the Fourth, the real and personal estate of the Body Corporate named in the said Schedule (B.) in conjunction with that Borough, shall forthwith vest in such Commissioners, and the rents and profits thereof, after defraying all charges to which they may be liable, shall be applied by the Commissioners in aid of the rates to be levied by them under the said Act, and the surplus thereof, if any, shall be applied by them for the public benefit of the inhabitants and improvement of the town, until such Charter may at any time afterwards

203.
How Corporate Property shall be administered in every Borough in Schedule (B.) which shall not obtain a Charter within 12 Months.

wards be granted; and upon the grant of any such Charter, and the election of a Council under its provisions, the powers of the Board of Commissioners as to the said estate shall cease, and all the said estate and any accumulation thereof, shall forthwith, without any conveyance thereof, vest in the body so incorporated.

204.
Provision for
election of
Commissioners
to manage
the Property,
if none al-
ready elected.

And be it Enacted, That in every Borough named in the said Schedule (B.) to which no charter of incorporation, in pursuance of any such Petition, shall be granted within Twelve calendar Months next after the passing of this Act, and in which no Commissioners shall then have been elected under the provisions of the last-recited Act, the Lord Lieutenant, or other Chief Governor or Governors of Ireland, shall direct that any Two Justices of the Peace resident within Ten Miles of any such Borough as last aforesaid, shall convene a meeting for the purpose of electing Commissioners in the manner directed by the said Act, and shall preside thereat; and such order and direction shall be signified and published in the same manner as an order made under the said recited Act is thereby directed to be signified and published; and at every meeting so convened, the persons who under the provisions of the said Act would be entitled to vote at a meeting convened under the said Act, shall be entitled to vote; and the persons so assembled and entitled to vote, shall proceed to elect Commissioners, in the manner directed by the said Act, from among the persons qualified according to the provisions of the said Act: Provided always, That in case a poll shall be demanded, it shall not be continued longer than the hour of Four of the clock in the afternoon on the second day of polling, and may be closed before that hour, after the lapse of one hour, without any person having tendered his vote; and the Commissioners so to be elected as last aforesaid, shall have all the powers of Commissioners elected under the said Act of the ninth year of the reign of King GEORGE the Fourth, except as to laying or levying any rate, which power they shall not have, unless at the meeting at which they shall have been elected, or at any subsequent meeting convened under the provisions of the said Act, it shall be determined that the provisions of the said Act shall be adopted, in which case they shall have all the powers of Commissioners elected under the said Act; and in either case all the provisions hereinbefore contained concerning Commissioners elected under the provisions of the last-recited Act, with respect to the estates of the Body Corporate, shall apply to the Commissioners elected as hereinbefore last provided.

205.
One Commis-
sioner to be
elected for
every 500
Inhabitants.

And be it Enacted, That in every such Borough as last aforesaid the number of Commissioners who shall be elected to constitute such Board as aforesaid, shall be after the rate of One Commissioner

missioner for every Five hundred of the population of such Borough, according to the said Census hereinbefore mentioned.

And be it Enacted, That after the election of Commissioners under this Act in any Borough named in Schedule (B.), or in case
5 Commissioners under the said Act of the ninth year of the reign of King George the Fourth, shall have been elected in that Borough before this Act shall come into operation in that Borough, then as soon as this Act shall come into operation in that Borough, the Body or reputed Body Corporate named in the said Schedule (B.) to this Act annexed in connection with such Borough shall
10 be dissolved.

And be it Enacted, That after this Act shall have come into operation in any Borough named in the said Schedule (B.) no election shall be holden for any Officer of the Body Corporate named
15 in the said Schedule (B.) in connexion with such Borough, except for the purpose of supplying a vacancy occasioned by death, removal or resignation; and in every case in which an election of any such Officer is appointed by any statute, charter, bye-law or custom to be holden between the day on which this Act shall so come into operation
20 as aforesaid, and the day on which a Charter of Incorporation shall be granted to the inhabitants of such Borough in pursuance of a petition signed as aforesaid, or on which such Body Corporate shall by virtue of this Act be dissolved, and the day on which such office shall cease, or the person holding it shall go out of office, or
25 be duly removed, the person holding or elected to such office on the day on which this Act shall so come into operation as aforesaid shall hold such office, and have all the powers and be subject to all the duties belonging thereto, in the same manner as if he had been elected to such office at any time between the day on which this Act
30 shall so come into operation and the said day on which his office shall cease, or he shall go out of office or be removed from such office: Provided always, That no person so elected for the purpose of supplying such vacancy shall be entitled to any compensation under the provisions of this Act.

And be it Enacted; That the powers and duties of the Mayor, Aldermen and Common Councilmen, and all other members, by
35 whatever name or style they may be called; of any Body Corporate named in the said Schedule (B.) which shall be dissolved by virtue of this Act, shall cease on the day on which such Body Corporate shall be dissolved by virtue of the provisions hereinbefore
40 contained.

And be it Enacted, That the powers and duties of all persons who by virtue of any charter shall be Justices of the Peace in

206.
On the election of Commissioners in any Borough the Corporation shall be dissolved.

207.
After the commencement of the Act, existing Mayors, &c. and Officers to continue until new election or dissolution.

208.
The powers of Mayors and Common Councilmen to cease on the dissolution of the Corporation.

209.
Justices of the Peace to cease on dissolution.

except in
Carrick-
fergus, where
they are to
continue in
office until
a separate
Commission
shall have
been granted
to that Town.

any of the said Boroughs named in the said Schedule (B.) shall cease on the day on which such Body Corporate shall be dissolved by virtue of the provisions hereinbefore contained: Provided always, That if the Body Corporate of the Borough of Carrickfergus shall be dissolved, the powers and duties of all persons who by virtue of any Charter shall on the day preceding such dissolution be Justices of the Peace in such Borough, notwithstanding they may have ceased to hold the office by virtue of which they shall be such Justices, shall continue until a separate Commission of the Peace shall have been granted to such Borough or Town or County of the Town of Carrickfergus, and no longer.

210.

The powers
of salaried
Magistrates
under Acts of
Parliament
continued
until deter-
mined by the
Lord Lieu-
tenant.

And be it Enacted, That the powers and duties of all persons who, on the day preceding the dissolution of any Body Corporate by virtue of this Act, shall be Justices of the Peace with salaries or fees, by virtue of any Act or Acts of Parliament now in force in the Boroughs named in the said Schedule (B.) to this Act annexed in connexion with such Body Corporate, whether such persons shall be Justices in their respective corporate capacities, or shall have been elected or appointed by any such Body Corporate, or any member or members thereof in his or their corporate capacity, and where such persons shall have been such Justices in their respective corporate capacities, notwithstanding that they shall have ceased to hold the offices by virtue of which they shall be such Justices, shall continue, and the same Police Office and Officers, and Servants and Establishments, for the performance of such powers and duties, and all laws and provisions relating thereto, shall be continued and remain in force in the same manner as if this Act had not been passed, until such time as the Lord Lieutenant shall, by notice to be published in the Dublin Gazette, declare, that the same shall determine; and at the time to be mentioned in any such notice the powers and duties of the person or persons therein named as Justice or Justices in such Town shall cease.

211.

Duties of
Sheriffs per-
formed by
other Officers
to cease on
dissolution.

And be it Enacted, That such of the powers and duties of any Mayor, Bailiff, Provost or Portreeve of any Borough named in the said Schedule (B.) to this Act annexed, as are exercised and performed in other places by Sheriffs, shall, in case the Body Corporate named in connexion with such Borough in the said Schedule shall be dissolved by virtue of this Act, cease on the day on which such Body Corporate shall be dissolved.

212.

Coroners to
be discus-
sured on
dissolution.

And be it Enacted, That the powers and duties of Coroners of any Boroughs named in the said Schedule (B.) to this Act annexed shall, in case the Body Corporate named in connexion with such

such Borough in the said Schedule shall be dissolved by virtue of this Act, cease on the day on which such Corporation shall be dissolved.

213.
Clerks of
Markets or
Weighmas-
ters appointed
by Corpora-
tions to con-
tinue in their
offices after this
Act had not
been passed.

And he it Enacted, That every person who shall have been elected or appointed by any Body Corporate named in the said Schedule (B.) to this Act annexed, which shall be dissolved by virtue of this Act, or by any member or members thereof, in his or their corporate capacity, to be a clerk of a market, or a weighmaster of all goods, wares and merchandises, or a weighmaster of hutter, or taster of butter, or assay master, and shall not be entitled to such office as a member of such Body Corporate in his corporate capacity, shall continue to hold such offices, and to execute all the duties heretofore belonging thereto, as if this Act had not passed: Provided always, That if such office shall be filled up upon any resignation or removal made after the passing of this Act, in such case the person appointed to such office may be removed at the pleasure of the Lord Lieutenant, and any person so removed shall not be entitled to compensation under the provisions of this Act.

214.
Officers to
continue until
removed.

And he it Enacted, That every person who shall be a Town Clerk, Bailiff, Treasurer or Chamberlain, or other ministerial or executive Officer of any Body Corporate named in the said Schedule (B.) to this Act annexed, which shall be dissolved by virtue of this Act, and who shall be in such office at the time of such dissolution, shall continue to execute all the duties heretofore belonging to his office, so far as the same are not inconsistent with the provisions of this Act, in the same manner as he would have done if this Act had not passed, until he shall be removed from his office by the Commissioners to be appointed in such Borough by virtue of this Act, or where there shall be no such Commissioners by the Lord Lieutenant.

215.
Officers to
receive Com-
pensation on
removal.

And he it Enacted, That every officer of any Body Corporate named in the said Schedule (B.) which shall be dissolved by virtue of this Act and in the Borough named in connexion with which in the same Schedule Commissioners shall be appointed as aforesaid, who shall be in any office of profit at the time of the passing of this Act, whose office shall be abolished, or who under the provisions of this Act shall be removed from his office, or deprived of fees or emoluments to which he would have been entitled if this Act had not been passed, shall be entitled to have an adequate compensation, either by way of a sum in gross or of annuity, out of the property of such Body Corporate respectively, to be assessed and paid as hereinafter is mentioned, for the salary, fees and emoluments of the office which he shall cease to hold, or of the fees or emoluments of which he shall be so deprived, regard being had to the manner of

his appointment to the said office and his term or interest therein, whether such person shall have held his office for life, or the usage shall have been such as to raise a just expectation that the office should continue for life, and all other circumstances of the case; and every person entitled to such compensation as aforesaid shall deliver to the Treasurer of the Commissioners to be appointed in pursuance of this Act a statement under the hand of such person, setting forth the amount received by him or his predecessors in every year during the period of Five Years next before the passing of this Act, on account of the salary, fees, emoluments, profits and perquisites in respect whereof he shall claim such compensation, distinguishing the office, place, situation, employment or appointment in respect whereof the same shall have been received, and containing a declaration that the same is a true statement according to the best of the knowledge, information and belief of such person, and also setting forth the sum claimed by him as such compensation.

216.
Pensions and
Allowances.

And be it Enacted, That all pensions and allowances granted on or before the Fifth day of June One thousand eight hundred and Thirty-five, or sums granted in conformity with established usage, by any Corporate Body named in the said Schedule (B.) which shall be dissolved by virtue of this Act, and in the Borough named in connexion with which in the said Schedule (B.) Commissioners shall be appointed as aforesaid, to any officer or servant retired therefrom, or by sickness or infirmity rendered incapable of performing the duties of his office, or to the widow or child of any member, officer or servant, and all stipends and allowances which during Seven Years next before the said Fifth day of June have been usually paid and granted to the Minister or late Minister of any Church or Chapel, or to the Master or Usher of any school, or to the Governor or Master of any Hospital, within the Town in which such Body Corporate is constituted, and all charitable allowances which have been usually paid as aforesaid to the inmates of any almshouses by such Corporate Body, shall be paid as hereinafter mentioned to every person entitled or accustomed to have and receive the same, unless the property of such Body Corporate and vested in such Commissioners shall not be sufficient for the payment thereof.

217.
How Com-
pensation is
to be settled.

And he it Enacted, That the said Commissioners of every Borough shall take into consideration and determine upon the amount and nature of compensation which they shall think ought to be given to any member of any Body Corporate or Officer or person whose office shall be abolished, or who shall be removed from his office or deprived of fees and emoluments to which he would have been entitled

entitled if this Act had not been passed; and in case and as soon as they shall have determined upon the amount or nature of the compensation to be given in any such case, they shall cause notice in writing to be given to such Officer or person; and in case the

5 claim of such Officer or person shall be admitted in part and disallowed in part, such notice shall specify the particulars in which the same shall have been admitted and disallowed respectively; and in case the Officer or person preferring such claim shall think himself aggrieved by the determination of the Commissioners

10 thereon, it shall be lawful for the officer or person preferring such claim to appeal to the Lords Commissioners of Her Majesty's Treasury, who shall thereupon make such order as to them shall seem just, and such order, signed by Three or more of such Lords Commissioners, shall be binding on all parties: Provided also, That

15 the Officer or person preferring such claim, if any Commissioners shall so require, upon receiving notice in writing, shall from time to time attend at any meeting or adjourned meeting of the Commissioners for the investigation of such claim, and then and there upon his oath or solemn affirmation, or his declaration to be taken or

20 made before the said Commissioners (any one of whom is hereby authorized to administer the same), shall answer all such questions as shall be asked by any Commissioners touching the matters set forth in the statement subscribed by such person as aforesaid, and produce all books, papers and writings in his possession, custody

25 or power relating thereto: Provided also, That every such Officer or person who shall be continued in or re-appointed to such office under the provisions of this Act, and who shall be subsequently removed from such office for any cause other than such misconduct as would warrant removal from any office held during good behaviour, shall be entitled to compensation in like manner as if he had

30 been forthwith removed under the provisions of this Act, and had not been continued in or re-appointed to such office.

218.

Compensation
to be secured
by Certificate.

And be it Enacted, That the amount of the sum or annuity payable to any person as such compensation as aforesaid, if not forth-

35 with paid, shall be secured to such person by a certificate or certificates in writing under the Seal of the Commissioners of the Borough out of the Town Fund of which the same shall be payable, stating that the Town Fund of the town in which such person shall be or have been in office is liable to the payment to such person, his

40 executors or administrators or assigns, of the amount of such sum, with interest and all arrears (if any) accrued due before the date of such certificate respectively; and every such certificate shall be prepared and executed at the expense of such Town Fund respectively, and delivered to the person entitled to such compensation, as soon as conveniently may be after the amount thereof shall have been determined as aforesaid by the said Commissioners, or shall

have

have been determined in the event of such appeal as aforesaid, by order of the said Lords Commissioners.

219.
Certificates
to be given
to Persons
entitled to
Pensions, &c.

And be it Enacted, That when any person shall be entitled to any pension, allowance, stipend or sum of money payable out of the Town Fund of any Borough which shall be sufficient for payment thereof, the said Commissioners of such Borough shall give a certificate under their Common Seal to such person that such Town Fund is liable to the payment to such person, his executors and administrators, of such pension, allowance, stipend, or sum of money, with all arrears thereof, if any, accrued due before the date of such certificate, and such certificate shall be prepared and executed at the expense of the Town Fund. 5 10

220.
Property of
the Corpora-
tions vested
in the Com-
missioners.

And be it Enacted, That on the day on which any Body Corporate named in connexion with any Borough in Schedule (B.) to this Act annexed shall be dissolved by virtue of this Act, all the manors, advowsons, messuages, town halls, public and other buildings, lands, rents, hereditaments, leasehold estates, goods, chattels, money, debts, stocks, funds, securities, personal estate and effects, and all other property whatsoever and wheresoever, and of what nature or kind soever of or to which any such Body Corporate, or any one or more of the members of such Body Corporate, in his or their corporate capacity, is or are or shall be seized or possessed or entitled for any estate or interest whatsoever, (except property held in trust for any charitable uses or trusts in respect of which other provisions are herein contained,) and all the estate, right, title and interest of such Bodies Corporate, member or members, shall be and the same are hereby vested in the Commissioners to be elected in such Borough respectively in pursuance of this Act, subject to such mortgages, charges, debts and incumbrances, rents, contracts, covenants and conditions, as the same respectively shall then be subject or liable to. 15 20 25 30

221.
Debts and
Contracts of
Corporations
may be
enforced by
the Commis-
sioners.

And be it Enacted, That every person and Body Corporate who on the day preceding the day on which any Body Corporate named in connexion with any Borough in Schedule (B.) to this Act annexed shall be dissolved by virtue of this Act, shall owe any sum of money to such Body Corporate, shall pay the same, together with all interest (if any) due or to accrue due for the same, to the Commissioners to be elected in such Borough in pursuance of this Act or their Treasurer; and all rents and sums of money which on the same day shall be due and payable, or then accruing due and payable to such Body Corporate, shall become and be due and payable to the said Commissioners, and shall and may be collected and recovered by the like ways and means, and with the same penalties in respect thereof, and in like manner as the Body Corporate to whom 35 40

whom the same respectively shall be due or payable might have collected and recovered the same respectively if this Act had not been passed; and all conveyances, contracts, agreements, bonds, covenants and securities made or entered into before the day on which such Body Corporate shall be dissolved, to, with or in favour of such Body Corporate, shall be good, valid and effectual in favour of the said Commissioners, and may be enforced in the same manner to all intents and purposes as such Body Corporate might have enforced the same if this Act had not been made.

And be it Enacted, That every person and Body Corporate who, on the day preceding the day on which any Body Corporate named in connexion with any Borough in Schedule (B.) to this Act annexed shall be dissolved by virtue of this Act, shall claim to be entitled, or would thereafter if this Act had not been passed have become entitled, to any sum of money owing from or payable by such Body Corporate, or shall claim any part of the property of such Body Corporate in respect of any mortgage, charge, conveyance, contract, agreement, bond, covenant or security which shall have been made or entered into with or in favour of him or them by such Body Corporate before the same day, shall and may recover or enforce the same as against the property of such Body Corporate respectively by this Act vested in the said Commissioners by the same actions, suits, remedies or proceedings against the said Commissioners, and in the same manner as he or they respectively might have recovered or enforced the same against such Body Corporate respectively, if this Act had not been made; but the costs of the said Commissioners in any such actions, suits, remedies or other proceedings shall be raised and paid out of the property of such Body Corporate respectively hereby vested in them in preference to any sum of money, costs, damages or expenses, claim or demand in favour of any such person or Body Corporate claiming as aforesaid.

222.
Property
vested in the
Commissioners
to be subject to the
claims of creditors,
&c.
of the Corporations.

And be it Enacted, That it shall not be lawful for any Body Corporate named in the said Schedule (B.) at any time after the passing of this Act to sell, mortgage or alienate the lands, tenements and hereditaments of the said Body Corporate, or any part thereof, except in pursuance of some covenant or contract or agreement bonâ fide made or entered into on or before the Fifth day of June in the year One thousand eight hundred and Thirty-five, by or on behalf of such Body Corporate, or of some resolution duly entered in the Corporation books of such Body Corporate on or before the said Fifth day of June, or to demise or lease, except in pursuance of some covenant, contract or agreement bonâ fide made or entered into on or before the said Fifth day of June, by or on behalf of such Body Corporate, or in pursuance of some resolution duly entered in

223.
Power of
sale and
leasing
restrained.

the Corporation books of such Body Corporate on or before the said Fifth day of June, except in the cases hereinafter mentioned, any lands, tenements or hereditaments of such Body Corporate, or any part thereof, or to enter into any new contract or agreement, except in the cases hereinafter mentioned, for demising or leasing the said lands and tenements and hereditaments, or any part thereof, for any term exceeding Thirty-one Years from the time when such lease shall be made, or if made in pursuance of a previous agreement, then from the time when such agreement shall have been entered into; and in every such lease for any term not exceeding such term of Thirty-one Years there shall be reserved and made payable, except in the cases hereinafter mentioned, during the whole of the term thereby granted, such clear yearly rent as to the Body Corporate shall appear reasonable, without taking any fine for the same.

224.
Provided in
certain cases
of leasing.

Provided always, and be it Enacted, That in all cases in which any Body Corporate shall on the Fifth day of June in the year One thousand eight hundred and Thirty-five have been bound or engaged by any covenant or agreement, express or implied, or have been enjoined by any deed, will or other document, or have been sanctioned or warranted by ancient usage or by custom or practice, to make any renewal of any lease for years, or for life or lives, or for years determinable with any life or lives at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or on the dropping of any life or lives, at a fine certain, or under any special or specific terms or conditions, and also in all cases in which any Body Corporate shall theretofore have ordinarily made renewal of any lease for years, or for life or lives, or for years determinable with any life or lives, at any fixed or determinate or known or accustomed period, or after the lapse of any number of years, or upon the dropping of any life or lives, upon the payment of an arbitrary fine, it shall be lawful for such Body Corporate, and after the dissolution thereof by virtue of this Act for the Commissioners to be appointed in the Borough named in connexion with such Body Corporate in the said Schedule, to renew such lease for such term or number of years, either absolute or determinable with any life or lives, or for such life or lives, and at such rent, and upon the payment of such fine or premium, either certain or arbitrary, such Body Corporate could or might have done in case this Act had not been passed.

225.
Collective
purchases,
sales and
concessions of
Corporate
property made
the 31st June
1835 &c

And be it Enacted, That all purchases, sales, leases and demises not made in pursuance of some such bona fide covenant, contract, agreement or resolution made and entered into as aforesaid before the said Fifth day of June, and all contracts for the purchase, sale, lease or demise of any lands, tenements and hereditaments, and all divisions

divisions and appropriations of the monies, goods and valuable securities, or any part of the real or personal estate of which on or before the said Fifth day of June the Body Corporate, whether in their own right or as Trustees for charitable or other purposes, was

5 sused or possessed, which shall have been made or contracted between the said Fifth day of June, may be called in question by the Commissioners for the Borough named in connexion with such Body Corporate in the said Schedule; and for that purpose, if it shall

10 appear to such Commissioners that there is ground for believing that any such purchase, sale, lease or demise, or such contract, or such division or appropriation of the premises, was collusively made for no consideration, or for an inadequate consideration, such Commissioners, at any time within Twelve calendar Months next after

15 the election of such Commissioners, shall have such or the like powers of causing to be inquired of and found, upon notice, of the value of the lands, tenements, hereditaments and premises in question, and the consideration which shall have been given, and also that which ought of right to have been given for the purchase, sale, lease, demise or appropriation thereof, according to the terms of

20 such purchase, sale, lease, demise, contract or appropriation; and the party to any such purchase, sale, lease, demise, contract or appropriation shall have in similar cases the like option either to re-convey and restore the lands, tenements, hereditaments and premises in question, and to abandon the contract to which he shall

25 have been party, or to give in each case additional consideration upon the like terms and with the like provisions, unless he shall make such option for making void every such purchase, sale, lease, demise, contract and conveyance, and with all the like provisions, powers and authorities, and subject to the like regulations and provisions, as heretofore are given to the Council first to be elected

30 in any Borough named in the said Schedule (A.) under the provisions of this Act in similar cases.

words consideration may be not added.

And he it Enacted, That the provisions hereinbefore contained, to take effect on the day upon which this Act shall come into

35 operation, with respect to any hereditaments, or any sums of money, chattels, securities for money or any other personal estate holden or possessed, for the benefit of any charitable uses or trusts; and also with respect to powers or provisions of any Act or Acts of Parliament authorized to be exercised by any such Body Corporate, person or persons, and which provisions are to take effect on the day

40 on which this Act shall come into operation, shall, upon the dissolution by virtue of this Act of any Borough named in the said Schedule (B.) to this Act annexed, but not before, be extended and be applied to any Borough named in the said Schedule (B.), of which the Body Corporate shall be dissolved by virtue of this Act;

226.
Charitable
Trustees and
Trusts, and
powers for
beneficial
uses.

and with respect to powers or provisions of any Act or Acts of Parliament authorized to be exercised by any such Body Corporate, person or persons, for the like purposes as aforesaid, in the same manner to all intents and purposes as if the same provisions were repeated, the words "Borough named in the said Schedule (A.)" being altered into the words "Borough named in the said Schedule (B.), and which shall be dissolved by virtue of this Act," and were made to take effect on the day of the dissolution of such Body Corporate respectively, instead of the day on which this Act shall commence.

227.
Savings provisions of
Local Acts.

And be it Enacted, That all powers and trusts not otherwise herein provided for which by any Act of Parliament or otherwise are vested in or exercised by any Body Corporate named in the said Schedule (B.) which shall be dissolved by virtue of this Act, or any member or members thereof in his or their corporate capacity, or any limited number, class or description thereof, or any person or persons elected from among or out of the members of such Body Corporate or any of them, or any person or persons elected by such Body Corporate or any member or members thereof, shall, upon the day on which such Body Corporate respectively shall be dissolved, and thenceforth until Parliament shall otherwise provide, be exercised in manner hereinafter mentioned; (that is to say,) such of the said powers as relate to the appointment of Justices of the Peace or Magistrates (other than the election of persons who shall in their corporate capacity be such Justices or Magistrates), or to the appointment of other Officers for the administration of justice, or in anywise relating thereto, or to the appointment of Constables or other persons for purposes relating to Police, shall be exercised by the Lord Lieutenant as if he had been named in such Act of Parliament respectively instead of such Body Corporate, or member or members, person or persons, and all other of the said powers not otherwise herein provided for shall be exercised, alone, or together with such other persons (if any) as would have been entitled to join in exercising the same if this Act had not been passed, by the said Commissioners.

228.
Other Corporations of
which any
Body Corporate named in
the Schedule,
or any of its
members,
have part, to
be continued.

And be it Enacted, That in every case in which any Body Corporate named in the said Schedule (B.) to this Act annexed which shall be dissolved by virtue of this Act, or any One or more of the members of such Body Corporate in his or their corporate capacity, or any limited number, class or description of the members thereof, or any person or persons elected from among or out of the members of such Body Corporate, or any person or persons elected by any such Body Corporate, or any member or members thereof, is any other Body Corporate, or part of, or is or are a member or members

members of any other Body Corporate for any charitable or public or other purpose, such other Body Corporate shall continue in force as if this Act had not passed; and on the day of the dissolution of such Body Corporate respectively, and thenceforth until Parliament shall otherwise provide, where any Body Corporate named in the said Schedule (B.) to this Act annexed is such other Body Corporate or part thereof, then, instead of such Body Corporate, the said Commissioners, where there shall be such Commissioners, shall be members of such other Body Corporate.

229.
Sale of Ad-
vowson, &c.

And he it Enacted, That in every case in which a Body Corporate named in the said Schedule (B.) which shall be dissolved by virtue of this Act, or any particular class, number or description of members, or the governing body of any Body Corporate, now is or are, in their corporate capacity, and not as Charitable Trustees, according to the meaning and provisions of this Act, seized or possessed of any manors, lands, tenements, or hereditaments whereunto any advowson or right of nomination or presentation to any benefice or ecclesiastical preferment is appendant or appurtenant, or of any advowson in gross, or hath or have any right or title to nominate or present to any benefice or ecclesiastical preferment, and the same would, if such Body Corporate had been named in Schedule (A.) to this Act annexed, have been sold and conveyed by such Body Corporate according to the provisions hereinbefore contained, the same shall be sold in like manner, at such time, and in such manner as the Ecclesiastical Commissioners for Ireland may direct, so that the best price may be obtained for the same; and it shall be lawful for the Commissioners of such Borough, and they are hereby authorized and required, with the consent of the said Ecclesiastical Commissioners or any Three or more of them, in writing under their hands, to convey and assure the same in like manner as a Body Corporate of any Borough named in the said Schedule (A.) is hereinbefore authorized and required to convey and assure, under the common seal of such Body Corporate, in a similar case, any such advowson or such right of nomination or presentation as aforesaid; and every such conveyance and assurance made by the said Commissioners shall have the same force and effect as a conveyance under the Common Seal of any Body Corporate named in the said Schedule (A.) would have had by virtue of the provisions hereinbefore contained, or otherwise, if such advowson or such right of nomination or presentation had been the property of such Body Corporate; and the proceeds of every such sale shall be paid to the Treasurer of the Commissioners of the Borough, whose receipt shall be a sufficient and effectual discharge to the purchaser or purchasers to whom the same shall be given for the amount of his or their purchase money: Provided always, That in any case of vacancy arising before any such sale shall have taken place and been

completed, such vacancy shall be supplied by the presentation or nomination of the Bishop or ordinary of the diocese in which such benefice or Ecclesiastical preferment is situated.

230.
Com-
missioners em-
powered to
bring and
defend
Actions, and
compromise
and settle
Accounts.

And be it Enacted, That it shall be lawful for the said Commis-
sioners in any Borough to commence and prosecute any actions, 5
suits or proceedings for collecting and recovering the property of the
Body Corporate named in the said Schedule (B.) to this Act annexed in
connexion with such Body respectively, and to discontinue or com-
promise any such action, suit or proceedings, and to allow any time 10
which they may think proper for payment of any money due and owing
to them in respect thereof, and also to pay any debt or sum of money
claimed to be due from any such Body Corporate and to be payable
out of such property, upon any evidence which they may think
proper to admit, and to defend or compromise any action, suit or 15
other proceeding which may be brought against them by virtue of
this Act, and to adjust and settle any account or accounts depend-
ing between such Body Corporate and any person or persons or other
Body Corporate or Bodies Corporate, and submit to arbitration any
difference between such Body Corporate or the said Commissioners, 20
and any other person or persons relating to the property of such
Body Corporate, and abide by and perform the award of any arbitra-
tor or arbitrators respecting the same, and to do, perform and execute
all such deeds and things as they, the said Commissioners respectively,
shall think expedient for ascertaining and collecting in the most 25
advantageous manner the property vested in them by virtue of this
Act, and settling all claims and demands relating thereto.

231.
Commis-
sioners to
keep an ac-
count of the
property of
the Corpora-
tion, which
shall be
called the
Town Fund
of the Town.

And be it Enacted, That the said Commissioners of every Bo-
rough shall cause an account to be kept of the property belonging
to the Body Corporate named in the said Schedule (B.) to this Act
annexed in conjunction with such Borough, and vested in such Com- 30
missioners by virtue of this Act, and of all rents, profits, revenue,
income and sums of money to be received in respect thereof or pro-
duced therefrom, and of the application and appropriation thereof;
and the property comprised in every such account shall be called 35
the Town Fund of the Borough for which such Commissioners
respectively shall have been chosen; and all sums of money received
by the Treasurer of such Commissioners in respect of the property
comprised in every such account shall, when the same shall not be
directed by the said Commissioners to be immediately applied to any
other purpose, be paid into the Bank of Ireland in the name of the 40
Treasurer of such Commissioners to an account called the account of
the Town Fund of the Borough of which the same shall form part.

And

And be it Enacted, That the said Commissioners of every Borough shall, with all convenient speed, pay or make due provision for payment out of the Town Fund of such Borough of the outgoings, rates and charges payable in respect of the property therein comprised, and of all charges and incumbrances payable thereout, and of all debts, annuities, pensions, allowances and sums of money payable by the Body Corporate to whom the property comprised in such Town Fund shall have belonged.

232.
Commissioners to pay debts due from Corporations.

And be it Enacted, That it shall be lawful for the said Commissioners of every Borough, from time to time, to demise or lease any such manors, messuages, lands or hereditaments vested in them by virtue of this Act, or any part or parts thereof, from year to year, or for any term or number of years, either with or without taking any fine or premium for the same, and on such other terms as such Commissioners shall think expedient, and also to cause any repairs to be made to any buildings or premises which they may think expedient, and to insure any buildings from loss or damage by fire, and pay the expenses of such repairs and insurances out of the said Town Fund, and also cause to be invested in their names, or in the name of their Treasurer any monies forming part of any such Town Fund, in any stocks, funds or securities, and alter and vary such stocks, funds and securities as they shall think proper, and in all other respects manage the property comprised in every or any such Town Fund, and invest or dispose of the same and all revenues thereof in such manner as they shall think most advantageous.

233.
Commissioners may lease and manage Revenues.

And be it Enacted, That the said Commissioners of any Borough, shall out of the monies forming part of the Town Fund of such Borough, purchase such annuities, leases or other interests charged upon or existing in any property forming part of such Town Fund as they shall think it advantageous to purchase; and that the said Commissioners shall and they are hereby empowered, to abolish any tolls forming part of the Town Fund of such Borough, after full payment or satisfaction of all debts and charges upon the said tolls, or to which they may be liable, which it may be thought desirable to abolish, and also to purchase any tolls which it may be thought desirable to purchase, in order that the same may be abolished, and after the conveyance thereof to them to abolish the same; and the said Commissioners shall cause notice to be given of the abolition of all such tolls as shall be abolished as aforesaid, by advertisement in the Dublin Gazette, and also in one or more newspaper or newspapers usually circulated in the town in which such tolls respectively shall be payable.

234.
Commissioners may purchase outstanding Charges, &c.
Commissioners may abolish Tolls.

235.
Commissioners may appropriate public Buildings to public purposes for the benefit of the Town.

And be it Enacted, That it shall be lawful for the said Commissioners of any Borough to appropriate and settle any Town Hall, Police Office, or other public building in any Town forming part of the Town Fund of such borough respectively, for the purposes of a Court for the holding of Quarter Sessions, or a Court of Record for Civil Actions, or a Court of Conscience, or Police Station.

236.
Commissioners may remove Officers.

And be it Enacted, That it shall be lawful for the said Commissioners of any Borough, to remove from the performance of the duties which, notwithstanding his office shall have ceased, he shall continue to perform in pursuance of this Act, every person who shall on the day preceding the day of the dissolution of the Body Corporate therein be a Town Clerk, Bailiff, Treasurer or Chamberlain, or other ministerial or executive Officer of such Borough, or of the Body Corporate named in the said Schedule (B.) to this Act annexed, in connexion with such Borough; and every such person or Officer who shall be in possession or receipt of any monies, goods, valuable securities, books or papers belonging to or concerning the Body Corporate whose Officer he is, shall deliver up and account for the same to such Commissioners; and in case he shall refuse or wilfully neglect to deliver such accounts, vouchers and lists, or to make such payments, or to deliver such books, papers and writings, or to give satisfaction respecting the same as is hereinbefore provided in the case of Officers appointed by such Commissioners, every such person or Officer may be proceeded against, and shall be subject and liable to the several provisions hereinbefore contained in cases of Officers appointed by such Commissioners.

237.
Accounts of Receipts and Disbursements to be published.

And be it Enacted, That the Commissioners to be appointed in every Borough in pursuance of this Act, shall in the month of January in every year, cause to be made out in writing and to be printed a full abstract of the accounts relating to the Town Fund of such Borough for the year; and a copy thereof shall be deposited with such person resident in such town as the Commissioners shall appoint, and shall be open to the inspection of all the inhabitants of such town, and copies thereof shall be delivered to all inhabitants of such town applying for the same, on payment of One Shilling for each copy.

238.
Sheriff of Carrickfergus to continue until new Sheriff is appointed.

And be it Enacted, That in case a Charter of Incorporation shall not be granted upon such petition as aforesaid to the town of Carrickfergus, then from and after the dissolution of the Body Corporate named in the said Schedule (B.) to this Act annexed

annexed in connexion with such town, if a Sheriff of the said town shall not then have been appointed as hereinbefore is mentioned, the person who shall on the day preceeding such dissolution fill the office of Sheriff of the said town, shall be and remain such Sheriff, and fulfil and execute the duties of the said office, until the Sheriff of the said town, to be appointed as hereinbefore is mentioned, shall come into office, and no longer.

And be it Enacted, That all the powers, authorities, directions, provisions, regulations, clauses, matters and things hereinbefore contained, with respect to the assignment to so many persons as Her Majesty shall think proper to act as Justices of the Peace in and for each of the Boroughs, being counties of towns respectively, named in the said Schedule (A.), to which Her Majesty may be pleased to grant a Commission of Peace, and to the Clerk of such Justices, and to the grant of a separate Court of Quarter Sessions of the Peace, or a Court of Record for the Trial of Civil Actions, in and for such Borough, and the proceedings therein, and to a Recorder of such Borough, and the Clerk of the Crown or Clerk of the Peace therein, shall extend and be applied to the said town of Carrickfergus in the same manner as if such town had been named in Schedule (A.) to this Act annexed, except that no salary or emolument (other than fees) shall be paid to the Recorder of the said town of Carrickfergus, and that Her Majesty may grant that a Court of Quarter Sessions of the Peace and a Court of Record for the Trial of Civil Actions, or either of them, shall be holden in and for such town without any petition for that purpose having been made to the Lord Lieutenant and Privy Council in Ireland; and that in the absence of the Recorder and Deputy Recorder the Clerk of the Peace or other person discharging the duties of that office, and the Registrar of the Court of Record, instead of the Mayor, shall and they are hereby respectively authorized to open and adjourn over the said respective Courts, and to respite recognizances conditioned for appearing at the same.

239.
Provisions relating to separate Commissions, Courts of Record, and Recorders of Counties of Towns in Schedule (A.) to extend to Carrickfergus (except that the Recorder shall be entitled only to Fees).

AND whereas in several of the Boroughs named in the said Schedule (B.) there are Courts of Record for the Trial of Civil Actions, and such Courts, when well regulated, have been found useful to the inhabitants of the said towns; BE it Enacted, That from and after the passing of this Act all the powers, authorities, usages and jurisdiction of any existing Court of Record in every town named in the said Schedule (B.) to this Act annexed in which the Body Corporate named in connexion with the said Borough in the said Schedule shall be dissolved by virtue of this Act, whether the same shall have been established by usage, statute or otherwise,

240.
Existing Courts of Record to be continued until determined by the Lord Lieutenant.

shall continue in the same manner as if this Act had not passed, until the Lord Lieutenant shall think proper to determine the same; and at any time it shall be lawful for the Lord Lieutenant, by an order under his hand, to declare that any such Court shall be discontinued at a time to be mentioned in such order, and to be not less than Two calendar Months after the date of such order; and every such order shall be advertised in the Dublin Gazette; and at the time appointed for that purpose in such order, such Court of Record, and all powers, authorities and jurisdictions thereof, shall wholly cease and determine, save only as to the execution of any decrees or orders of the said Court theretofore lawfully made; and the present Judge and other Officers of the said Court shall, during the continuance thereof, remain in their respective offices, notwithstanding he, they or any of them may have ceased to hold any office by virtue of which he or they shall be such Judge or Officer or Officers; and upon any future vacancy in the office of Judge of any such Court, the Lord Lieutenant shall appoint a fit person, being a Barrister of not less than Six Years' standing, to be Judge of such Court during the continuance thereof and his good behaviour, and upon any vacancy in any other office belonging to such Court the Judge of the Court shall appoint a fit person to supply such vacancy.

241.
Court of Con-
science.

AND whereas in several of the Boroughs in Ireland named in the said Schedule (B.) there have been Courts for the Recovery of Small Debts in a summary way, commonly called Courts of Conscience, and such Courts when well regulated have been found useful to the poorer inhabitants of the said Boroughs, and it is expedient to make new and further provisions for the establishment and regulation of such Courts in certain cases; BE it Enacted, That from and after the passing of this Act all the powers, authorities and jurisdictions of any existing Court for the Recovery of Small Debts, commonly called the Court of Conscience, in every Borough named in the said Schedule (B.) to this Act annexed, in which the Body Corporate named in connexion with such Borough in the said Schedule shall be dissolved by virtue of this Act, whether the same shall have been established by usage, statute or otherwise, shall continue in the same manner as if this Act had not passed, until the Lord Lieutenant shall think proper to determine the same; and at any time it shall be lawful for the Lord Lieutenant, by an order under his hand, to declare that any such Court shall be discontinued at a time to be mentioned in such order, and to be not less than Two calendar Months after the date of such order; and every such order shall be advertised in the Dublin Gazette; and at the time appointed for that purpose in such order, such Court of Conscience, and all powers, authorities and jurisdictions thereof, shall wholly cease and determine, save only as to the execution

execution of any decrees or orders of the said Court theretofore lawfully made.

And be it Enacted, That in case the Lord Lieutenant, with the advice and consent of Her Majesty's Privy Council in Ireland, shall at any time think it expedient that any Court of Conscience now existing shall be continued, or that a Court of Conscience under such regulations as are herein contained shall be established in any Borough named in the said Schedule (B.) to this Act annexed, in which the Body Corporate named in connexion with such Borough in the said Schedule shall be dissolved by virtue of this Act, where no such Court now exists, then the Lord Lieutenant may appoint a fit person, being a Barrister of not less than Six Years' standing, who shall be and shall be called the Judge of the Court of Conscience for such town, and shall hold such office during his good behaviour; and in the event of any vacancy in such office he may appoint a fit person to be such Judge; and from and after the appointment of such Judge in such town a Court shall be holden for the recovery of small debts, to be called the Court of Conscience of such Borough, and the Judge or President of such Court shall have full power and authority to hear and determine in a summary way causes in all small debts between party and party, not exceeding in amount the sum of Forty Shillings, where the cause of action shall have accrued within the said Borough, or the defendant shall reside within the same.

242.
Lord Lieutenant, with Consent of Privy Council, may appoint a Court of Conscience under the regulations of the Act in the same or any other Town.

And be it Enacted, That any Recorder or Assistant Barrister, whose duties shall not prevent him from performing in addition thereto the duties of a Judge of a Court of Conscience of any Borough named in the said Schedule (B.) and who shall be willing to undertake such office, shall be appointed a Judge of a Court of Conscience under the provisions of this Act.

243.
Recorder or Assistant Barrister may be Judge of a Court of Conscience.

And be it Enacted, That it shall be lawful for the Judge of the Court of Conscience of any Borough named in the said Schedule (B.) to appoint and remove at his pleasure a Clerk and other necessary Officers of such Court; and where the Recorder shall be the Judge of the Court of Conscience, the Registrar of the Court of Record shall also be the Clerk of the Court of Conscience.

244.
Clerks and other Officers of Courts of Conscience to be appointed by the Lord Lieutenant.

And be it Enacted, That all the powers, authorities, directions, provisions, regulations, clauses, matters and things hereinbefore contained with respect to the proceedings of Courts of Conscience in the Boroughs named in Schedule (A.) to this Act annexed (except the power of appeal to the Recorder of the Borough), shall extend and are hereby extended to the Courts of

245.
Proceedings of Courts of Conscience in the Boroughs in Schedule (A.) to extend to such Courts continued or established

by the Lord
Lieutenant.

Conscience to be continued or established by the Lord Lieutenant, with the Advice and Consent of Her Majesty's Privy Council of Ireland as aforesaid.

246.
Sheriff to be
the Returning
Officer under
the Reform
Act.

And be it Enacted, That after the Body Corporate named in conjunction with any Borough named in the said Schedule (B.) to this Act annexed shall be dissolved by virtue of this Act, the Sheriff of the County or his Deputy shall be the Returning Officer at all Elections (if any) of a Member or Members of Parliament for such Borough, until the grant of a Charter of Incorporation to the Inhabitants of such Borough, in pursuance of a petition as hereinbefore provided.

247.
Saving the
rights of the
Governor and
Assistants of
London of
New Plantation
in Ulster,
and of Lords
of Manors.

And be it Enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter or take away any of the rights, privileges, powers or authorities vested in or enjoyed by, or duties or liabilities imposed upon, the Society of the Governor and Assistants of London of the New Plantation in Ulster within the realm of Ireland, under or by virtue of any charter or charters heretofore granted to them by the Crown, or any Lord of any Manor, or any person or persons other than the member or members of a Body Corporate in his or their corporate capacity, or a person or persons elected or appointed by any such Body Corporate, or some member or members thereof.

248.
CLAUDE (LL.)
Provision
for the Pipe
Water Com-
pany of Cork.

And be it Enacted, That after the First day of January next after the time when this Act shall come into operation in the Borough of Cork, all and singular the powers now vested in the Mayor, Sheriffs and Commonalty of the City of Cork, and their successors, and in the Court of D'Oyer Hundred, or either of them, for supplying the said City with water, under the provisions of two Acts of the Parliament of Ireland respectively, made in the first year and in the fifth year of the reign of King GEORGE the Third, shall be exercised by a committee of Nine directors, Three of whom shall be appointed by the said Mayor, Sheriffs and Commonalty, and their successors, and Three by the major part in number and value of the shareholders holding shares under said Acts or either of them, and Three shall be chosen by the said Mayor, Sheriffs and Commonalty, or their successors, and by said shareholders, or if they shall not agree in such choice, shall be appointed, upon the application of such Mayor, Sheriffs and Commonalty, or of such shareholders, to the Lord Chancellor or Commissioners of the Great Seal of Ireland for the time being, in a summary way, by one of the Masters of the Court of Chancery; and on the First day of January in every year one of the directors chosen by the Mayor, Sheriffs and Commonalty, and one of the directors so chosen by the said shareholders, shall go out of office, but may be forthwith re-elected in like manner; and the Mayor

Body Corporate; and the word "Burgess" shall be construed to mean Citizen, in the case of a City; and the word "County" shall be construed to mean County or Riding; and the word "Trustees" shall be construed to mean Trustees, Commissioners or Directors, or the persons charged with the execution of a trust or public duty, by whatever name they are designated; and the word "Parish" shall be construed to extend to any extra-parochial precinct or place as well as a parish; and the word "Land" shall be construed to include any Land, whether the same shall or shall not have any building thereon; and the words "Lord Lieutenant" shall be construed to mean the Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of Ireland; and that in all things hereinafter provided to be done, until the first election of Councillors in any Borough under this Act shall have been declared, the word "Mayor" shall be construed to mean the chief Officer of a Borough, by whatever name he is now called, or when there may be no such chief Officer, the Returning Officer at elections of Members to serve in Parliament for such Borough, or when there may be neither any such chief Officer or Returning Officer, then such person as the Lord Lieutenant for the time being shall by writing under his hand appoint to perform the duty of Mayor under the provisions herein contained; and in describing any person or thing, any word importing the singular number shall be construed to mean also several persons or things respectively, unless there be something in the subject or context repugnant to such construction; and that no misnomer or inaccurate description of any person, Body Corporate, or place named in any Schedule to this Act annexed, or in any Burgess Roll, Burgess List, Ward List notice, or Voting Paper required by this Act, shall hinder the full operation of this Act with respect to such person or place, provided that such person or place shall be so named as to be commonly understood, and in all cases where an oath or affidavit is required under this Act, the affirmation or declaration of a Quaker, Moravian, or Separatist shall be accepted in lieu of such oath or affidavit.

250.
Act may be
altered this
Session.

And be it Enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHEDULES

SCHEDULES

TO WHICH THIS ACT REFERS.

SCHEDULE (A.)

BOROUGH.	Wards.	Aldermen.	Councillors.	STYLE OF CORPORATE BODY.
BELFAST - - -	5	10	30	-- The Sovereigns, Free Burgesses and Commonalty of the Borough of Belfast.
CLONMEL - - -	2	6	18	-- The Mayor, Free Burgesses and Commonalty of the Town of Clonmel.
COKE - - -	8	16	48	-- The Mayor, Sheriffs and Commonalty of the City of Cork.
DROGHEDA - - -	3	6	18	-- The Mayor, Sheriffs, Burgesses and Commonalty of the County of the Town of Drogheda.
DUBLIN - - -	15	15	45	-- The Right Honourable the Lord Mayor, Sheriff, Commons and Citizens of the City of Dublin.
GALWAY - - -	3	6	18	-- The Mayor, Sheriffs, Free Burgesses and Commonalty of the Town and County of the Town of Galway.
KILKENNY - - -	2	6	16	The Mayor and Citizens of the City of Kilkenny. -- The Portreeve, Burgesses and Commons of the Borough or Town of Irishstown.
LIMERICK - - -	5	10	30	-- The Mayor, Sheriffs and Citizens of the City of Limerick.
LONDONDERRY - - -	3	6	18	The Mayor, Commonalty and Citizens of Londonderry.
SLIGO - - -	3	6	18	-- The Provost, Free Burgesses and Commonalty of the Borough of Sligo.
WATERFORD - - -	5	10	30	-- The Mayor, Sheriffs and Citizens of County of the City of Waterford in the Kingdom of Ireland.